

Response To Comments

For

Michigan Disposal Waste Treatment Plant

Hazardous Waste Operating License and Permit

September 1999

**MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY**



**UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY
REGION 5**



EXECUTIVE SUMMARY: RESPONSE TO COMMENTS

Michigan Disposal Waste Treatment Plant, Belleville, Michigan September 1999



INSIDE:

- *Background Information on Michigan Disposal Waste Treatment Plant*
- *Responses to Commonly Asked Questions*

INTRODUCTION

The United States Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ) have issued a hazardous waste operating permit and license to the Environmental Quality Company (EQ) of Belleville, Michigan. The permit and license allow the Michigan Disposal Waste Treatment Plant (MDWTP) to continue to operate as a commercial hazardous waste treatment plant. As you may recall, the EPA and MDEQ postponed a final decision in order to further consider air/odor concerns expressed by the public and to await the Wayne County Air Quality Management Division's resolution to outstanding issues regarding the facility's air permit. Attached to this executive summary is a chronology highlighting key events of the licensing process.

This fact sheet will provide you with background information and a brief summary of the extensive *Response To Comments* document the EPA, MDEQ, and WCAQMD published in response to public comments received on the MDWTP. Please see the back page of this fact sheet for details on where to obtain a copy of the entire *Response To Comments*.

BACKGROUND

EQ operates the MDWTP at 49350 North I-94 Service Drive in Belleville, Michigan. The treatment facility is located about 1,500 feet from condominiums and other residences. An interstate access road runs along the south side of the treatment plant. The EPA, MDEQ, and WCAQMD have worked together closely during the entire permitting process to ensure the protection of public health and the environment. The EPA, MDEQ, and WCAQMD are the lead agencies for the hazardous waste permit, hazardous waste operating license, and air permit, respectively.

Two public comment periods on the draft hazardous waste permit and operating license were held in the spring and summer of 1996. The comment periods allowed the community an opportunity to provide comments on the draft permits and licenses for both MDWTP and WDI. Two public hearings were held on April 23, 1996 and July 16, 1996 to accept public comments; each was attended by approximately 1,200 residents. In addition, the EPA, MDEQ, and WCAQMD held open houses on May 1, 1996 and December 2, 1998 to allow citizens to speak with Agency representatives one-on-one; approximately 150 people participated in the first open house and approximately 20 people participated in the second open house. Furthermore, the WCAQMD held its own hearing on the draft air permit on November 20, 1996; approximately 150 people were in attendance.

In July 1997, WCAQMD issued the MDWTP a permit to install air pollution control devices on both the east and west sides of the treatment building. After demonstrating compliance with the conditions of a permit to install, Wayne County normally issues a certificate of operation. In order to demonstrate compliance, MDWTP conducted emissions testing of its stacks in August 1997. The WCAQMD reviewed the results of the stack testing, and cited EQ for failure to meet the emission limits and failure to maintain negative pressure in the treatment building. An exceedence of the volatile organic compound limits on the east side of the treatment building was the primary reason for the stack test failure. To resolve these violations, the WCAQMD entered into a Consent Order with EQ on April 30, 1999. The Consent Order includes both penalties and a compliance schedule to correct the problems. The WCAQMD held a hearing on the consent order on November 19, 1998. The EPA, MDEQ, and WCAQMD have separated the comments received for the WDI and MDWTP facilities during the public comment periods. The *Response To Comments* for WDI was made public when permits for that facility were issued in April 1997.

The EPA, MDEQ, and WCAQMD have thoroughly considered and responded to all of the comments received on the MDWTP. The remainder of this fact sheet will provide you with responses to some of your most commonly expressed concerns about the treatment facility.

RESPONSES TO COMMONLY EXPRESSED CONCERNS

ODORS

Southeast Container Storage Area

In response to complaints from the community regarding odors from the MDWTP, the EPA and MDEQ permits require the MDWTP to construct a building with air pollution control devices appropriate for the proposed operations in the new southeast container storage area (SECSA). The MDWTP must submit conceptual plans to the MDEQ Waste Management and Air Quality Divisions, along with a construction schedule, within 60 days of the issuance of the permits. Upon approval of these plans, MDWTP must submit final engineering design plans and specifications for review and approval. The MDWTP must start construction of the building within six months after the MDEQ's approval. A compliance schedule for the construction of the building is outlined in the MDEQ license.

Another requirement in the MDEQ license prohibits the MDWTP from storing any untreated hazardous waste, treated hazardous waste, or decharacterized waste meeting land disposal restrictions in the SECSA in trailers, roll-off boxes or open top containers until a building with air pollution devices appropriate for the proposed operations is constructed. In addition, the MDEQ license and EPA permit prohibit storage of liquid hazardous waste in the SECSA until the building is constructed, which will provide adequate secondary containment.

The EPA, MDEQ, and WCAQMD believe that these additional requirements will reduce and/or eliminate odorous emissions stemming from the SECSA.

Facility Operations

The license and permits issued by the EPA, MDEQ, and WCAQMD require the MDWTP to take a number of measures to help control odors and emissions from the facility, including:

- the MDWTP must complete treatment of hazardous and non-hazardous waste in the treatment building equipped with a permitted air pollution control system;
- the MDWTP must follow and document the use of an approved odor evaluation and minimization standard operational procedure prior to removing treated hazardous or decharacterized waste prior to removal from the treatment building;
- the MDWTP must operate its air pollution control equipment when waste is stored or treated in the treatment building, excluding equipment malfunctions and routine

maintenance;

- the MDWTP must keep the doors of treatment plant positioned in such a manner to maintain negative pressure to prevent odors from leaving the building;
- the MDWTP must cover (with a tarp, for example) treated waste loads in the treatment building prior to the waste being transported from the building;
- the MDWTP must monitor and sample the carbon absorption canisters every third day until a certain level of saturation is reached; it must then do so more frequently until the canister is changed;
- the MDWTP is prohibited from processing any waste streams identified as containing any of the 16 odor-causing materials;
- the MDWTP must conduct stack testing to verify pollutant emission rates from the waste treatment processes, the VOC capture efficiency of the exhaust system, the carbon adsorber control efficiency, and the destruction efficiency of the thermal oxidizer, and resolve any deficiencies identified by the test on a compliance schedule; and
- Upon receipt of a Violation Notice from MDEQ or WCAQMD, the facility must investigate and eliminate the cause of the odor, make any necessary operational changes to prevent a recurrence and submit a written report documenting its actions. The MDWTP also must take any additional steps that the MDEQ deems necessary.

In addition, an extra air monitoring station was established at the WDI landfill, which is adjacent to the treatment plant, to help detect any air exceedances. During the summer of 1998, MDWTP installed the thermal oxidizer air pollution control equipment on the east side of the treatment building to capture emissions from processing waste with high VOC content.

GROUNDWATER INVESTIGATION

The MDEQ license requires the MDWTP to investigate the presence and quality of groundwater in the upper sand unit at the SECSA and other waste handling areas at the facility. In the past, the MDWTP used the SECSA to store roll-off boxes containing treated waste. This past practice had the potential to impact the shallow groundwater. The MDEQ is reviewing EQ's workplan for the groundwater investigation. As a part of that investigation, the EQ will evaluate the need to install shallow sand monitoring wells at the MDWTP. If the MDEQ finds that additional groundwater monitoring wells are needed, the facility will be required to install wells in accordance with an MDEQ approved schedule.

ENFORCEMENT

In response to public concern over compliance issues at both facilities, the EPA and MDEQ hired a compliance monitor to be stationed on-site. This position increases surveillance and assists the EPA and MDEQ in assuring that both facilities comply with all applicable laws, regulations, and license requirements. The compliance monitor has been stationed on-site since November 1996.

Following a fire at the MDWTP in May 1994, the MDEQ ordered the facility to pay fines totaling \$510,000; these fines have been paid. Also, it required the facility to revise its operating procedures, such as the waste analysis and emergency contingency plans, and the waste receipt and record keeping procedures. These modified procedures have been approved by the MDEQ and implemented at the facility. The MDEQ has determined that EQ has complied with all of the terms of the October 21, 1994 Consent Judgment. The revised procedures were incorporated into the new license as well.

In April 1997, further enforcement action was taken on a cluster of incidents including two fires, two cases of waste mismanagement and improper notification regarding the sale of two solid waste facilities. As a result, EQ has paid \$35,000 in fines. Based upon this enforcement action, additional changes have been made to the MDWTP license. In addition, EQ paid a fine of \$12,000 as the result of two odor violations issued by the WCAQMD in November 1996. The WCAQMD entered into a Consent Order with EQ to resolve outstanding air permit violations on April 30, 1999. The Consent Order includes both penalties and a compliance schedule to correct the problems. WCAQMD held a public hearing on the proposed Consent Order on November 19, 1998.

FOR MORE INFORMATION

You are encouraged to review the *Response To Comments* and additional information about the MDWTP in the information repositories located at:

Fred C. Fischer Library
167 Fourth Street
Belleville, MI 48111

Van Buren Township Hall
46425 Tyler Road
Belleville, MI 48111

If you have any questions, please feel free to contact any of the individuals listed below:

Ms. Kimberly Tyson
Waste Management Division
Michigan Department of
Environmental Quality
608 West Allegan

Mr. Greg Rudloff
Waste Management Branch
EPA Region 5 (DRP-8J)
77 West Jackson Boulevard
Chicago, IL 60604

P.O. Box 30241
Lansing, MI 48909
(517) 373-2487

(312) 886-0455

If you would like a copy of the entire *Response To Comments* for the MDWTP, please fill out the following page, fold and staple the sheet, apply a 33-cent stamp and mail it to Ms. Kimberly Tyson.

PLEASE PUT
33-CENT STAMP
HERE

MS. KIMBERLY TYSON
WASTE MANAGEMENT DIVISION
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PO BOX 30241
LANSING MICHIGAN 48909

STAPLE HERE PLEASE

September 1999

Please mail a copy of Response To Comments for Michigan Disposal Waste Treatment Plant Public Hearing to:

NAME: _____
ADDRESS: _____ _____
CITY: _____ STATE: _____ ZIP CODE: _____

TIMELINE OF KEY EVENTS FOR MDWTP/WDI LICENSING PROCESS APRIL 1995 – September 1999

April 6, 1995:	Public notice of the receipt of renewal application for MDWTP.
May 11, 1995:	Public notice of the receipt of renewal application for WDI.
March 21, 1996:	Public notice of draft permits, licenses, and of the April 23, 1996 public hearing. Public comment period begins.
March 25, 1996:	Request to WWJ Radio and WJR Radio to broadcast a public service announcement for April 23, 1996 public hearing.
April 23, 1996:	MDEQ and EPA hold public hearing. Public comment period scheduled to end May 4, 1996.
May 1, 1996:	MDEQ and EPA hold informal question & answer open house.
May 9, 1996:	Public notice of comment period extension through May 18, 1996.
June 13, 1996:	Public notice of draft permits, licenses, and of the July 16, 1996 public hearing. WSDS and WAAM radio broadcasts notice of July 16, 1996 public hearing. Public comment period extended to July 27, 1996.
July 16, 1996:	MDEQ and EPA hold second public hearing.
July 27, 1996:	Second public comment period ends.
Late 1996:	Wayne County Air Quality Management Division (WCAQMD) issues EQ a Notice of Violation.
November 21, 1996:	MDEQ hires on-site monitor for WDI and MDWTP facilities.
Early 1997:	EQ pays \$12,000 fine for verified odor problem.

Timeline of Key Events

Page 2

April 14, 1997:	MDEQ and EPA issues operating license and RCRA permit to WDI. Response to Comments document for WDI published. EPA issues TSCA approval to WDI.
April 16, 1997:	Van Buren Township (VBT) files for temporary restraining order on WDI in federal court.
May 2, 1997:	Federal court denies request for temporary restraining order.
July 1997:	WCAQMD issues MDWTP a permit to install air pollution control equipment (baghouse and carbon adsorbers).
July 7, 1997:	MDEQ approves modification to WDI license and MDWTP existing license to reflect the transfer of property ownership from Ford Motor Company to WDI. EPA is currently reviewing a similar request to modify its TSCA approval.
July 1997:	EQ pays \$35,000 fine for violation of the consent judgement.
August 18, 1997:	MDEQ publishes in its calendar a notice of intent of final determination regarding the draft license for MDWTP.
August 1997:	MDWTP air pollution control equipment fails stack test for emission limits and VOCs on the east side of the treatment building.
August 1997:	EQ submits to EPA name of neutral facilitator to explore establishment of community involvement council (CIC).
September 17, 1997:	MDEQ terminates consent judgement for WDI and MDWTP.
October 1997:	WCAQMD cites MDWTP for failed stack test.
November 1997:	EPA approves neutral facilitator submitted by EQ.
Winter 1997/ Spring 1998:	Neutral facilitator conducts community interviews.

Timeline of Key Events

Page 3

March 18, 1998:	Neutral facilitator submits report on proposed CIC suggesting initial meeting.
March 20, 1998:	VBТ challenge to EPA's TSCA approval denied in federal court.
April 9, 1998:	VBТ files complaint against MDEQ for Freedom of Information Act (FOIA) request denial.
April 15, 1998:	VBТ appeals the federal court denial of its challenge to EPA's TSCA approval to the six circuit court of appeals. The appeal is still pending.
April 29, 1998:	Neutral facilitator submits supplemental final report on proposed CIC suggesting effort to be put on hold.
Summer 1998:	MDWTP installs thermal oxidizer air pollution control equipment on east side of treatment building.
October 9, 1998:	Order of Dismissal in FOIA case against MDEQ issued.
October 28, 1998:	EPA approves modification to MDWTP existing license to reflect the transfer of property ownership from Ford Motor Company to WDI.
November 19, 1998:	WCAQMD hold public hearing on consent order MDWTP outstanding air permit violations.
December 2, 1998:	MDEQ and U.S. EPA hold public availability session.
December 2, 1998:	WCAQMD completes air permit for MDWTP.
April 5, 1999:	EQ countersigns the WCAQMD December 2, 1998 modified air permit for MDWTP.
April 30, 1999:	EQ enters into a consent order with WCAQMD to resolve violations of the August 1997 failed stack test.
August 30, 1999:	Sixth Circuit Court of Appeals upholds the federal court denial of VBТ's challenge to EPA's TSCA approval.
September 30, 1999:	MDEQ and U.S. EPA issues operating license and RCRA permit to MDWTP.

Table of Contents

Executive Summary

1	Overview	1
1.1	Michigan Disposal Waste Treatment Plant, Inc.	2
1.2	Two Individual Determinations	3
1.2.1	MDEQ Hazardous Waste Operating Licenses	4
1.2.2	EPA Hazardous Waste Permits	5
1.3	Two Regulatory Agencies	6
1.3.1	Michigan Department of Environmental Quality	6
1.3.2	United States Environmental Protection Agency	7
1.4	Combined Public Participation Process	8
1.5	Figures and Tables	9
1.5.1	General Location Map: Figure 1	9a
1.5.2	Site Map: Figure 2	9b
1.5.3	Demographics Within Two Miles of Site: Figure 3	9c
1.6	List of Acronyms	10
2	General Issues	12
2.1	General Issues	12
2.2	Permitting Process	13
2.3	Environmental Justice	20
2.4	Unanswered Comments	23
3	Michigan Disposal Waste Treatment Plant	24
3.1	MDEQ Hazardous Waste License (Part 111)	24
3.1.1	Environmental Monitoring	24
3.1.2	Compliance History	31
3.1.3	Human Health Risk and Environmental Hazards	42
3.1.4	Draft License	55
3.1.5	Other Issues	66
3.1.6	Summary of Revisions to Draft License	70
3.2	EPA Hazardous Waste Permit (RCRA)	84
3.2.1	Southeast Container Storage Area	84
3.2.2	Draft Permit	88
3.2.3	Other Issues	89
3.2.4	Summary of Revisions to Draft Permit	90
3.3	Air Quality	98
3.3.1	Air Quality	98
3.3.2	Other Issues	113

Overview

This *Response To Comments* for Michigan Disposal Waste Treatment Plant, Inc. (MDWTP) is organized to summarize the comments received by the United States Environmental Protection Agency (U.S. EPA) and the Michigan Department of Environmental Quality (MDEQ), or the Agencies, regarding MDWTP. The comments were received as a result of several public hearings and meetings that were conducted in the Spring and Summer of 1996. The public hearings were conducted jointly by the Agencies to solicit public comment regarding the Agencies' intent to reissue hazardous waste operating licenses to both MDWTP and Wayne Disposal, Inc. (WDI), and to issue an authorization to WDI to dispose polychlorinated biphenyl (PCB) wastes at its landfill.

There are two separate facilities involved in this process, MDWTP and WDI. However, this *Response To Comments* for MDWTP will only address the MDWTP facility. The WDI facility has been addressed in the *Response To Comments* document published in April 1997.

There have been two individual administrative determinations made concurrently by the Agencies regarding MDWTP. Also, the Wayne County Department of Environment, Air Quality Management Division (WCAQMD) issued an air permit to MDWTP in July 1997 to install air pollution control devices. In August 1997, MDWTP's air pollution control equipment fails stack test, a requirement of the air permit. In October 1997, WCAQMD cited MDWTP for the failed stack test and placed some restrictions on MDWTP's operations. In the summer of 1998, MDWTP installed the thermal oxidizer air pollution control equipment on the east side of the treatment building. To resolve the outstanding air permit violations, the failed stack test and failure to maintain negative pressure in the treatment building, the WCAQMD has entered into a consent order with MDWTP. The WCAQMD also assisted the Agencies in developing some of the responses provided in this *Response To Comments*.

This *Response To Comments* for MDWTP is organized with separate chapters and sub-chapters for each regulatory agency and with questions and responses organized by issue, for each agency. This makes it clear to any reviewer of the public record:

- 1] what statutory authority is being used,
- 2] by which regulatory agency,
- 3] to make a legally defensible decision.

The Table of Contents demonstrates this organization and helps the reader locate information quickly. The number of each topic in the Table of Contents appears in the header of each and every page. By referring to any page's header, you can quickly locate yourself in the *Response To Comments* for MDWTP in relation to the Table of Contents.

1.1 Michigan Disposal Waste Treatment Plant, Inc.

The MDWTP operates a hazardous waste treatment and storage facility at 49350 North I-94 Service Drive in Belleville, Michigan. The facility is bounded by Willow Run Airport to the North and I-94 Service Drive to the South. The MDWTP's facility is located on 4.82 acres. The acreage is divided between the 3.47 acres of the treatment plant and its associated tanks and container storage areas and the 1.35 acres of the Southeast Container Storage Area.

The hazardous waste treatment and storage facility has been operated under an operating license issued on March 30, 1990, pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), as well as a federal Resource Conservation and Recovery Act (RCRA) permit issued on March 30, 1990. The state license and federal permit expired on March 30, 1995. The company submitted a timely reapplication and, therefore, has been allowed to continue operating these units under the conditions of the March 30, 1990 license until the final decision was made on the renewal application. This extension is allowed by the Michigan Administrative Procedures Act 1969 PA 306, as amended.

The MDWTP operates hazardous waste treatment and storage units for wastes generated at off-site facilities. These units are designed for the storage and treatment of hazardous waste in containers and tanks. All waste handling areas include secondary containment to prevent a release to the environment in the event of a spill or leakage.

1.2 Two Individual Determinations

There are two types of determinations that have been issued. These are:

- 1] MDEQ Hazardous Waste Operating License
- 2] U.S. EPA Hazardous Waste Permit

The MDEQ has issued a hazardous waste operating license to MDWTP. The MDEQ license has been issued pursuant to its authority under Part 111 of Act 451.

The U.S. EPA has issued a hazardous waste permit. The permit relicenses the hazardous waste operations at MDWTP. The U.S. EPA permit has been issued pursuant to its authority under RCRA.

This public participation process has been conducted to provide the public with an opportunity to participate in the decision making process for both of these administrative determinations, and to meet the statutory requirements for public participation for each of these determinations. Because the two determinations regulate similar activities at the facility, the Agencies conducted joint public hearings and public meetings for the proposed license and RCRA permit.

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview
Two Individual Determinations
1.2.1 MDEQ Hazardous Waste Operating Licenses

1.2.1 MDEQ Hazardous Waste Operating Licenses

Part 111 of Act 451 was passed by the Michigan Legislature to regulate the management of hazardous waste from generation to disposal. Likewise, Subtitle C of the Solid Waste Disposal Act, as amended, 42 USC 6901, et. seq. (commonly known as the Resource Conservation and Recovery Act or RCRA), was passed by the United States Congress to regulate hazardous waste nationwide. The RCRA was amended substantially by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Both RCRA and Part 111 of Act 451 established a permit system governing the treatment, storage, and disposal of hazardous wastes. The RCRA allows the states to obtain authorization to issue a state hazardous waste operating license in lieu of a federal permit. Effective December 27, 1985, the State of Michigan amended its hazardous waste management administrative rules to be equivalent to those under RCRA and applied to the U.S. EPA for authorization. In October 1986, Michigan was granted authorization to administer all portions of the RCRA program except for some portions of the HSWA.

Because Michigan is not authorized to issue licenses which address all the HSWA requirements, the Agencies will continue to issue separate state licenses and federal permits to hazardous waste management facilities. The federal permit is, however, simplified, and the Agencies have coordinated the review and issuance of the license and permit. The federal permit addresses certain wastes, land ban restrictions and air emission standard requirements of the HSWA. The duration of the state operating license and the federal permit is five years.

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview
Two Individual Determinations
1.2.2 EPA Hazardous Waste Permits

1.2.2 U.S. EPA Hazardous Waste Permits

In 1965, the Solid Waste Disposal Act was enacted for the primary purpose of improving solid waste disposal methods. It was comprehensively reenacted and amended in 1976 by the RCRA. The changes embodied in RCRA remodeled our nation's solid waste management system and added provisions pertaining to hazardous waste management. In 1984, the HSWA was enacted which significantly expanded the scope and requirements of RCRA.

On October 30, 1986, the State of Michigan received final authorization to administer the pre-HSWA RCRA hazardous waste program. Since the State of Michigan has received authorization to administer most, but not all of the hazardous waste program requirements of the HSWA, the federal hazardous waste permit will address these requirements only. These requirements include standards for management of certain waste types, land ban restrictions, and air emissions standards. The duration of the federal permits will be five years.

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview
Two Regulatory Agencies
1.3.1 Michigan Department of Environmental Quality

1.3 Two Regulatory Agencies

There are two regulatory agencies that have collaborated in this administrative process.

1.3.1 Michigan Department of Environmental Quality

Michigan Department of Environmental Quality

The MDEQ is responsible for the decision to issue the hazardous waste operating license. This license relicenses the hazardous waste operations at MDWTP. The MDEQ license has been issued pursuant to its authority under Part 111 of Act 451.

The administrative record and the *Response to Comments* for MDWTP, as well as the Part 111 operating license, are available for viewing at the MDEQ, Waste Management Division (WMD) Office, located on the First Floor of the John A. Hannah Building, Lansing, Michigan (contact Ms. Kimberly M. Tyson at 517-373-2487).

In addition, the issued license and the *Response to Comments* for MDWTP is available for review at the MDEQ, Southeast Michigan District Office, located at 38980 Seven Mile Road, Livonia, Michigan (contact Mr. Mike Busse at 313-953-1403); the Van Buren Township Hall, located at 46425 Tyler Road, Belleville, Michigan (contact Mr. Michael Long at 313-699-8900); and at the Fred C. Fischer Library, located at 167 Fourth Street, Belleville, Michigan (contact Ms. Deborah Green at 313-699-3291).

Contact Person

The contact person regarding the Part 111 of Act 451 operating license is:

Ms. Kimberly M. Tyson
Waste Management Division
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, Michigan 48909

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview
Two Regulatory Agencies
1.3.2 United States Environmental Protection Agency

1.3.2 United States Environmental Protection Agency

United States Environmental Protection Agency, Region 5

The U. S. EPA is responsible for the decisions to issue or deny a federal hazardous waste permit. The Director of the U.S. EPA Region 5's Waste, Pesticides and Toxics Division, is responsible for the RCRA decision to re-permit the hazardous waste operations at MDWTP.

The administrative record and the *Response to Comments* for MDWTP as well as the Federal RCRA permit are available for viewing at the U.S. EPA, Region 5, Waste Management Records Center, at the address identified below, from 7:30 a.m. to 5:00 p.m., Monday through Friday. To view the RCRA permit, contact Mr. Greg Rudloff at 312-886-0455.

The federal RCRA permit and the *Response to Comments* for MDWTP are also on file at the MDEQ, WMD Office, located on the First Floor of the John A. Hannah Building in Lansing, Michigan (contact Ms. Kimberly M. Tyson at 517-373-2487). In addition, these documents are also available for viewing at the Fred C. Fisher Library, located at 167 Fourth Street in Belleville, Michigan (contact Ms. Deborah Green at 313-699-3291).

Contact Persons

Requests regarding the federal RCRA permit should be addressed to:

Mr. Greg Rudloff
Waste Management Branch, DRP-8J
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview
1.4 Combined Public Participation Process

1.4 Combined Public Participation Process

A number of announcements and public hearings were conducted jointly by the Agencies to solicit public comment regarding the Agencies' intent to reissue hazardous waste operating license and permit. The public participation process was conducted in a manner that met the Agencies' public participation obligations as specified by state and federal law and administrative rule. The permit, license, authorization, and public notices are available in the Agencies' files for review.

The following is a chronological summary of the public participation events:

April 6, 1995:	Public Notice of the receipt of the renewal application for MDWTP.
May 11, 1995:	Public Notice of the receipt of the renewal application for WDI.
March 21, 1996:	Public Notice of draft permits and licenses and of a public hearing to be held on April 23, 1996.
March 25, 1996:	Request to WWJ Radio and WJR Radio to broadcast a public service announcement for the hearing to be held April 23, 1996.
April 23, 1996:	Public Hearing conducted. Public comment period open until May 4, 1996.
May 1, 1996:	Informal question & answer open house meeting conducted.
May 9, 1996:	Public Notice of extension of comment period to May 18, 1996.
June 13, 1996:	Public Notice of draft permits and licenses and of a second public hearing to be held on July 16, 1996. WSDS and WAAM Radio broadcasts of the July 16, 1996 Public Hearing. Public comment period extended to July 27, 1996.
July 16, 1996:	Second Public Hearing conducted.
July 27, 1996:	Public comment period ends.
August 18, 1997:	Notice published in the MDEQ Calendar of intent to make a final determination regarding the MDEQ's Part 111 Operating License for MDWTP.
December 2, 1998:	Informal question & answer open house meeting conducted regarding the status of the licensing process.

1.5 Figures and Tables

General Location Map: Figure 1

This figure shows the general location of the MDWTP site.

Site Map: Figure 2

This figure shows the MDWTP facility boundaries and the location of the new hazardous waste container storage area.

Demographics Within Two Miles of Site: Figure 3

Because some of the public comments questioned the demographics of the site, this figure shows minority population and resident income information near the site.

Michigan Disposal Waste Treatment Plant

WATER WELL LOCATION

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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LEGEND:

- POLITICAL BOUNDARIES
- LIMITED ACCESS HIGHWAYS
- U.S. HIGHWAYS
- STATE HIGHWAYS
- OTHER ROADS
- TWO TRACK RAILS
- LAKE
- RIVERS AND STREAMS
- INTERMITTENT STREAMS
- AIRPORTS
- GRASS AIRFIELDS
- RAILROADS
- SECTION CORNERS
- 3 MILE RADIUS
- DOMESTIC WELL LOCATION AND IDENTIFICATION NUMBER

SOURCE

WATER WELL AND WELLS RECORD
 DOMESTIC WELL LOCATION AND IDENTIFICATION NUMBER
 ACT 199 OF 1978
 ALL WATER WELL LOCATIONS HAVE BEEN
 RECORDED FOR THE STATEWIDE WATER
 WELL RECORD SYSTEM.

WNRD
 WASTE MANAGEMENT DISTRICT
 DEPARTMENT OF ENVIRONMENTAL QUALITY

DEED

SGDB
 SURFACE GEOPHYSICAL DATA BASE
 NEW STATE DISTRICT

WMS
 WASTE MANAGEMENT SYSTEM
 NEW STATE DISTRICT

Updated April 1976

100' 1"

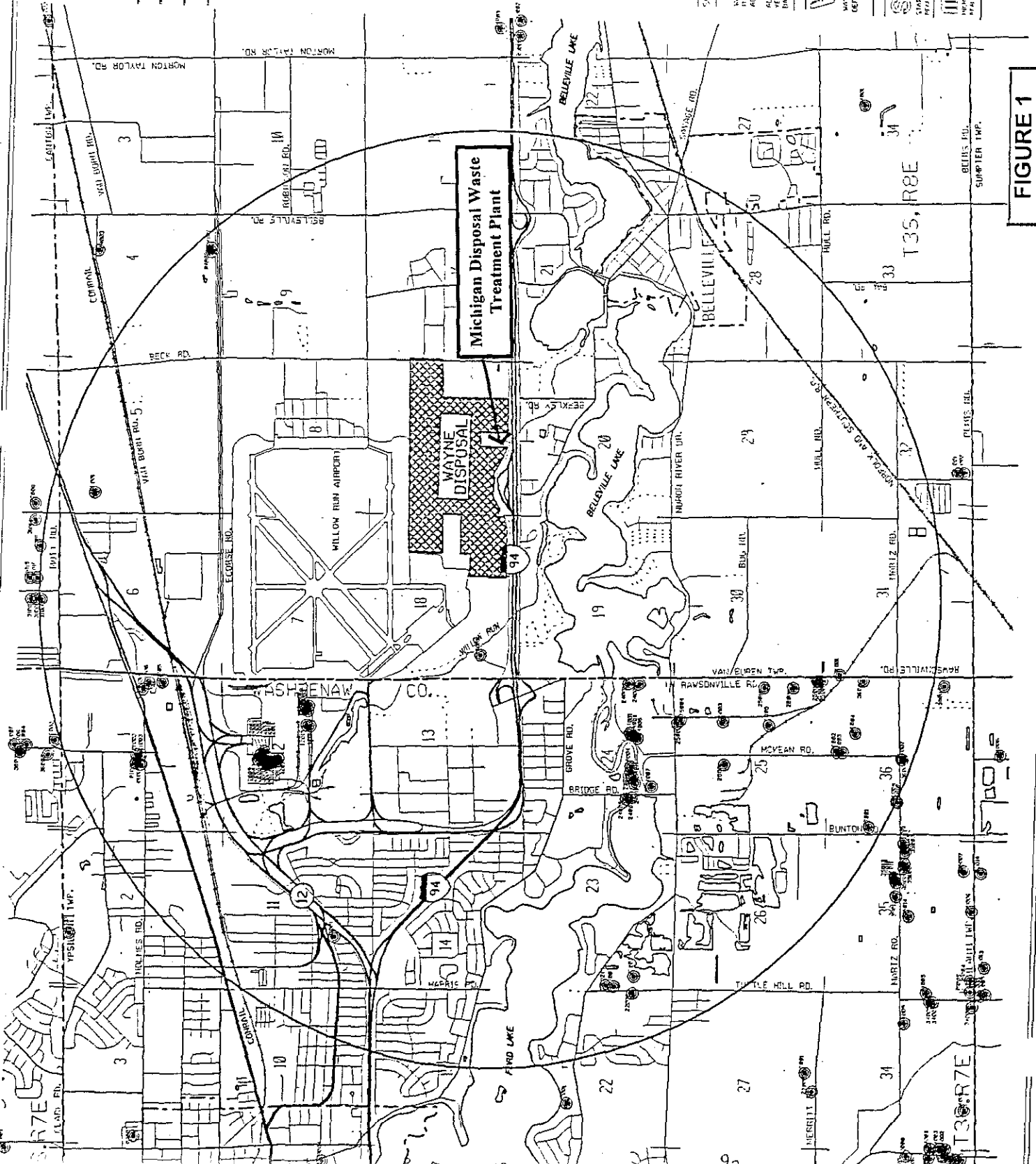
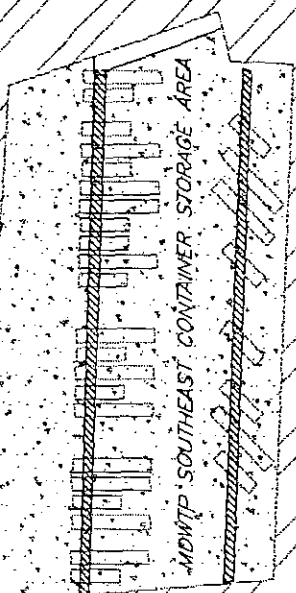
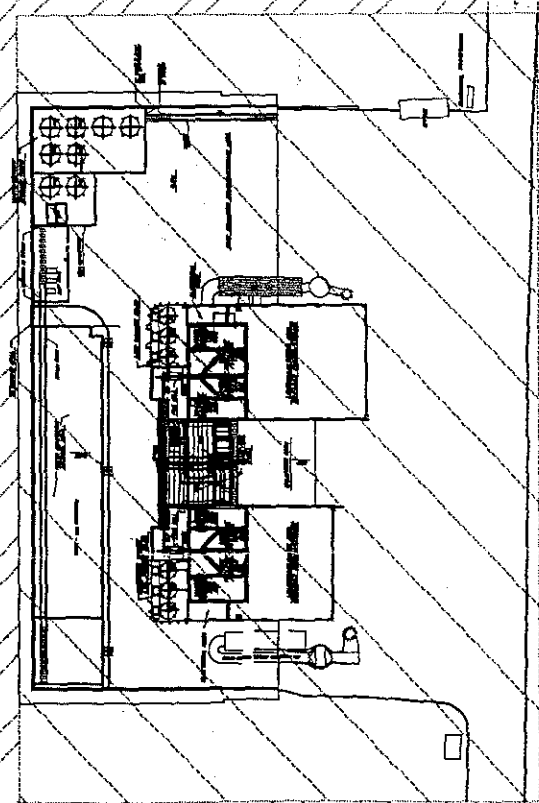


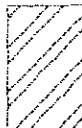

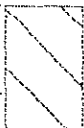
FIGURE 1



3.47 ACRES OF THE MDWTP ORIGINALLY PERMITTED BY THE MDEQ IN 1990

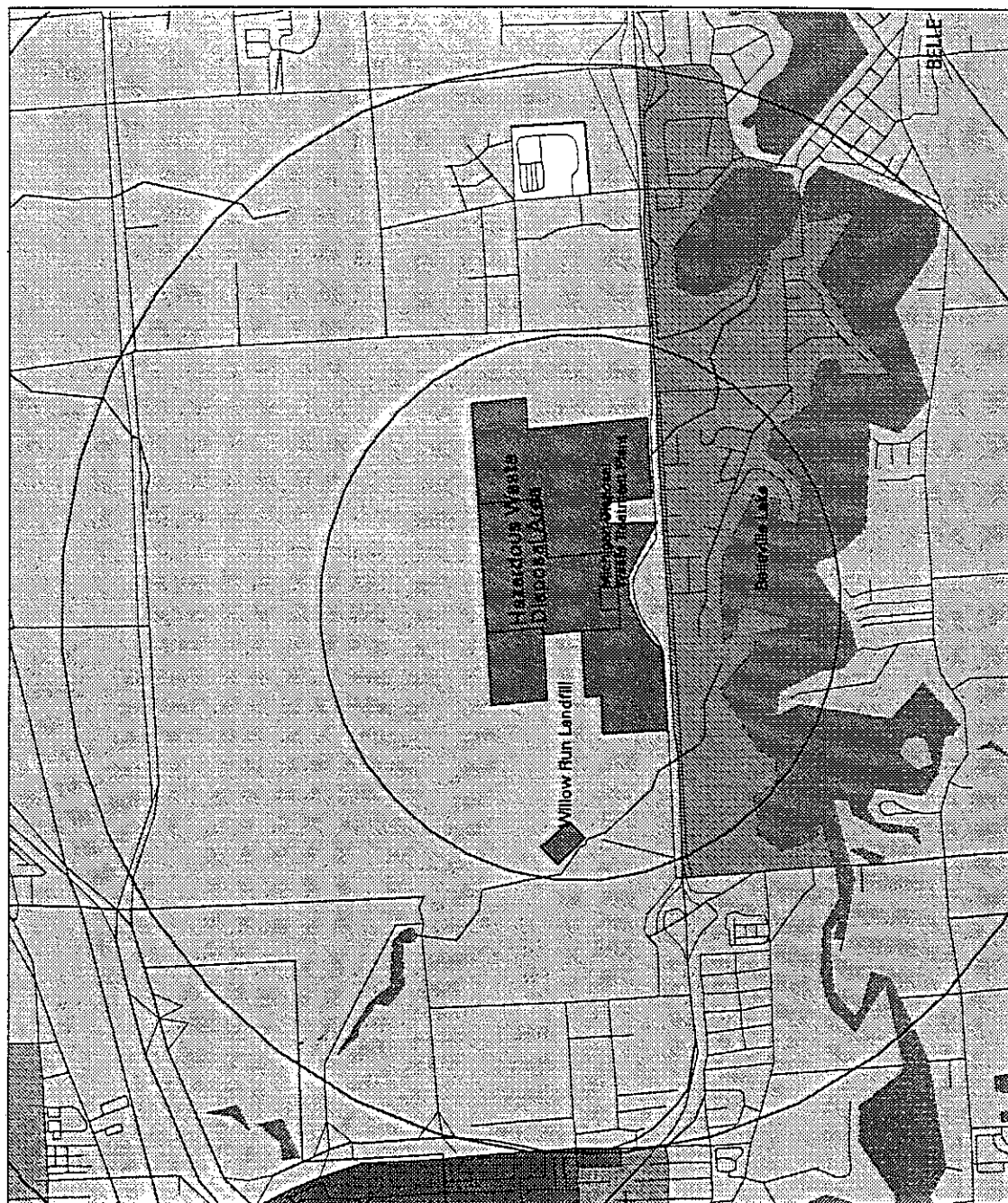
1.35 ACRES OF THE MDWTP SOUTHEAST CONTAINER STORAGE AREA FOR WHICH INTERIM STATUS FOR CARBAMATE WASTE STORAGE WAS OBTAINED FROM USEPA ON MARCH 15, 1995 AND FINAL PERMIT STATUS IN 1996

WAYNE DISPOSAL PROPERTY

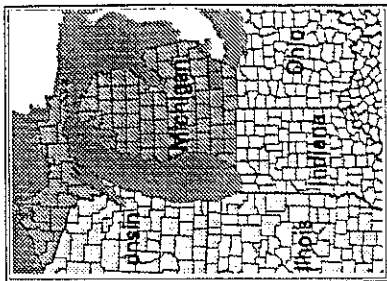


Wayne Disposal and Michigan Disposal Waste Treatment Plant

Demographics within 2 Miles of 'Wayne Disposal and Michigan Disposal Waste Treatment Plant'



Wayne Disposal Plant	Michigan Disposal Plant	Wayne Disposal Plant	Michigan Disposal Plant	Wayne Disposal Plant	Michigan Disposal Plant	Wayne Disposal Plant	Michigan Disposal Plant	Wayne Disposal Plant	Michigan Disposal Plant
PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY	PERCENT MINORITY
18.6	18.6	18.6	18.6	18.6	18.6	18.6	18.6	18.6	18.6
PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME	PERCENT LOW INCOME
21.3	21.3	21.3	21.3	21.3	21.3	21.3	21.3	21.3	21.3
PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED	PERCENT UNEMPLOYED
7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6	7.6
PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH	PERCENT NO ENGLISH
0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS	PERCENT SENIORS
8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION	PERCENT NATIVE POPULATION
0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION	TOTAL POPULATION
6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300



Wayne Disposal and Michigan Disposal Waste Treatment Plant

- Interstate Highway
- Primary Road
- County Road
- Neighborhood Road
- Railroad
- Perennial Stream
- Drain or Intermittent Stream
- County Border

Percent Minority

0 - 25

26 - 50

51 - 75

76 - 100

Water

Uninhabited or No Data

The minority population percentages are calculated as the white non-hispanic population subtracted from the total population divided by the total population and multiplied by 100.

The data are summarized at the block group level, from 1990 STF3A data.



1.6 List of Acronyms

The following acronyms are used in this *Response to Comments*. Every effort has been made to use the complete phrase, followed by the acronym, the first time the phrase is used in the document.

AAC	Acceptable Ambient Concentration
ABR	Adopted by Reference
Act 307	The Michigan Environmental Response Act, 1982 PA 307, as amended
Act 451	Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended
AQD	Air Quality Division
CEM	Continuous Emission Monitoring
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CFS	Chemical Fixation and Stabilization
CJ	Consent Judgment
DNR	Department of Natural Resources
DOT	Department of Transportation
EJ	Environmental Justice
EMSI	Envotech Management Services, Inc.
EPCRA	Emergency Planning and Community Right to Know Act
EQ	The Environmental Quality Company
FOIA	Freedom of Information Act
GAO	Government Accounting Office
HSWA	Hazardous and Solid Waste Amendments to RCRA
HWMA	Hazardous Waste Management Act
LDRs	Land Disposal Restrictions
LEPC	Local Emergency Planning Committee
MC	Master Cell
MCATS	Michigan Citizens Against Toxic Substances
MDEQ	Michigan Department of Environmental Quality
MDI	Michigan Disposal, Inc.
MDLs	Method Detection Limits
MDNR	Michigan Department of Natural Resources
MDWTP	Michigan Disposal Waste Treatment Plant
MERA	Michigan Environmental Response Act, 1982 PA 307, as amended
MTR	Minimum Technology Requirements
NAAQS	National Ambient Air Quality Standards
NCSA	North Container Storage Area
NOD	Notice of Deficiency
NPDES	National Pollutant Discharge Elimination System
OB	Observation Boring (Groundwater Monitoring Well)
OSHA	Occupational Safety and Health Administration
Part 111	Part 111, Hazardous Waste Management, of Act 451
PCB	Polychlorinated Biphenyl

Response to Comments for Michigan Disposal Waste Treatment Plant
Overview

1.6 List of Acronyms

pcf	Pounds Per Cubic Foot
PE	Professional Engineer
PEL	Permissible Exposure Limit
POTW	Publicly Owned Treatment Works
ppb	Parts Per Billion
ppm	Parts Per Million
PQLs	Practical Quantitation Limits
PUF	Polyurethane Foam
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act of 1976
SAP	Sampling and Analysis Plan
SECSA	Southeast Container Storage Area
SPCC	Spill Prevention, Containment, and Countermeasure
SRSL	Secondary Risk Screening Level
SWMU	Solid Waste Management Units
TCLP	Toxicity Characteristic Leaching Procedure
TRI	Toxics Release Inventory
TSCA	Toxic Substance Control Act
TSDFs	Treatment, Storage, and Disposal Facilities
U.S. EPA	United States Environmental Protection Agency
VB	Van Buren Township
VOC	Volatile Organic Compounds
VSR	Verification of Soil Remediation
WAAM	Radio Station
WAP	Waste Analysis Plan
WCAPCD	Wayne County Health Department, Air Pollution Control Division
WCAQMD	Wayne County Department of Environment, Air Quality Management Division
WDI	Wayne Disposal Inc.
WEMU	Radio Station
WJR	Radio Station
WMD	Waste Management Division
WSDS	Radio Station
WWJ	Radio Station

General Issues

2.1 General Issues

COMMENT:

A resident requested information about residents' rights under the Community Right to Know Act.

RESPONSE:

The Emergency Planning and Community Right to Know Act (EPCRA) has two components related to this comment. Section 313 requires certain facilities to collect information about toxic releases to the environment. (This commonly known as Toxics Release Inventory or TRI data.) In addition, the EPCRA requires that the information be made available to the public. Currently, facilities whose main activity is that of RCRA-regulated treatment, storage, or disposal are not regulated by EPCRA Section 313. Therefore, there are no TRI data for such facilities. However, with the TRI expansion phase 2, such facilities will start to file TRI reports in 2000 for their 1999 activities.

The public can access TRI data through a variety of computer and hard copy formats. For detailed information or help regarding the TRI data access, call or write:

TRI User Support
United States Environmental Protection Agency
401 M Street, SW (MS:7407)
Washington, DC 20450

Telephone number 202-260-1531

or, visit the U.S. EPA's web site at:
<http://www.epa.gov/opptintr/tri>

Section 324 allows residents to request from the Local Emergency Planning Committee (LEPC) material safety data sheet information for certain materials that a facility is required to file under Section 311. If the LEPC doesn't have the information on file, it is supposed to respond to the request by getting the information from the facility. The Wayne County's LEPC address is 10250 Middlebelt, Detroit, Michigan 48242, telephone number is 313-942-5289.

2.2 Permitting Process

COMMENT 1:

Several residents and organizations, including the Charter Township of Van Buren and Township of Ypsilanti, expressed concern about the short-time period provided for public comment and indicated that the community was notified too late about Environmental Quality Company's (EQ's) proposal. They also expressed concern that 1,165 households within a two-mile radius of the facility were denied an opportunity to provide input because they lie outside the political boundaries of the community where the facility is located.

Several residents expressed concern that residents and elected representatives were not notified about the permit application or the public hearing. They expressed concern that no public notice for the hearing appeared in the major local newspaper and that the lack of notification was an orchestrated plan to keep the community "in the dark." A resident expressed concern that public hearing notices were put into small, local papers and on small radio stations. He asked "What, is the EPA hiding that they do not want to be made public?" Another resident stated that he was denied 11 extra days of preparation time for the public hearing and his written comment because the second public hearing notification letter was received on June 24, 1996; was postmarked June 20, 1996; and stated that the public comment period began on June 13, 1996.

Several residents expressed concern that public notification regarding the permit application was inadequate. The Township of Ypsilanti asked how it could do research and prepare technical comments with only eight weeks' notice. It also commented that other public entities had known about the permit application for over a year. Another resident expressed concern that the newspapers used to notify the public were poor choices.

The Ypsilanti Township Clerk stated that not enough time was provided to perform research and prepare comments.

A business owner requested that the public comment period not be extended so that the permitting process can be completed in a timely manner.

The Township of Ypsilanti, a state representative, and several residents requested an extension of the comment period.

RESPONSE:

The time period provided for public comment was adequate. The residents and elected representatives were notified about the application and the public hearings. The Overview Section of this *Response To Comments* document contains a chronological summary of the public participation notices and events. The Agencies followed all state and federal public participation procedures for this decision making process. Public participation for the MDWTP and WDI relicensing process started on April 6, 1995 and May 11, 1995, respectively, when the Agencies public noticed in the *Belleville Enterprise* that the applications for these facilities were received and available for public review at the Van Buren Township office, the MDEQ Southeast Michigan District Office, the MDEQ Lansing Office, and the U.S. EPA Region 5 Office. These notices were also mailed directly to the state legislators representing the Belleville area and persons on the facility mailing list. Shortly thereafter and for several months, newspaper articles appeared in most of the local newspapers regarding these facilities. In addition, the EQ placed notices in the local papers and held an informational meeting on February 21, 1996. Upon completion of the Agencies' review of the applications, draft licenses and

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

permits were prepared and public noticed on March 21, 1996 in the local newspaper. The notice was also provided directly to the Van Buren Township, local legislators, and persons on the facility mailing list.

The choice to publish the first public notice regarding the Agencies' intent to reissue the operating licenses and RCRA permits to the MDWTP and WDI facility in the *Belleville Enterprise* was based on the following facts:

1. The facilities are located in Belleville. This newspaper serves the Belleville area, which is the area with the greatest potential to be affected by the facilities.
2. Previous public notices regarding any regulatory actions taken at the facilities were published in the *Belleville Enterprise*, and the Agencies have no previous record of Ypsilanti Township or any other local entity objecting to the use of that newspaper for such purposes.

The Agencies followed the regulations requiring draft licensing and permitting decisions be broadcasted over local radio stations by sending public service announcements with transmittal letters requesting the announcements be broadcasted to the radio stations WWJ and WJR. The Agencies' transmittal letters specifically asked Ms. Susan Schramm and Ms. Cynthia Bryant to contact the Agencies if they had any questions or comments. Neither person contacted the Agencies to communicate their intentions not to broadcast the announcements. The Agencies have no control over the information the radio stations choose to broadcast as public service announcements. During the second public comment period, the Agencies sent the announcements to the radio stations, WAAM, WSDS, and WEMU. Each station broadcasted the announcements prior to the second public hearing and provided the Agencies with documentation indicating the date and time the announcements were broadcasted.

Any person that felt excluded from the first public participation process was given a second opportunity to participate via the second public participation process that began on June 13, 1996 and ended on July 27, 1996. A second public hearing to receive comments regarding the draft licenses and permits for MDWTP and WDI was held July 16, 1996. Notices for the extension of the first public comment period and the opening of the second public comment period appeared in the *Belleville Enterprise* and the *Ypsilanti Courier* on May 9, 1996, and were mailed directly to local legislators and several interested township and city governments.

Also, the Agencies supplemented the required notice with a news release for both comment periods, which was sent to 15 newspapers and other media outlets in the surrounding areas.

Persons who live in households within a two-mile radius of the facility were not denied the opportunity to provide input on the relicensing process by the Agencies because they live outside the political boundaries of the community where the facility is located. The Agencies sent notices regarding the second public comment period for the relicensing process to local officials at the Augusta Charter Township, Superior Charter Township, City of Belleville, City of Romulus, Sumpter Township, City of Milan, Van Buren Township, and Ypsilanti Charter Township. Persons whose names did not appear on the facility specific mailing list, at the time the notifications were being mailed, were not directly mailed notifications of the second public comment period. In an effort to notify those persons, the Agencies mailed the notifications to the local units of government, expecting that local government officials would notify the local citizenry.

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

COMMENT 2:

A resident asked whether the U.S. EPA cares about citizen concerns.

RESPONSE:

Yes. The Agencies solicited, collected and carefully reviewed all comments received during the public participation process prior to making a final decision on the issuance of the operating licenses and the RCRA permits. The Agencies are required by law and regulation to base their decisions on the technical suitability of the facilities. In making their final decisions, the Agencies have taken into account residents' concerns by initiating a variety of measures to tighten permit conditions and oversight of the facility; these measures are summarized in the Executive Summary.

COMMENT 3:

What mechanism will be used to inform Van Buren Township of the receipt of the approvals?

RESPONSE:

A notice of final decision and the availability of the *Response To Comments* will be sent to all persons and local units of government on the Agencies' mailing list for this facility. A copy of *Response To Comments* will be mailed to all persons who specifically request a copy.

COMMENT 4:

How will the U.S. EPA ensure that the local community has input on the various additional approvals to protect the health and well-being of its citizens and the integrity of its environment?

RESPONSE:

Changes in the conditions of the RCRA permits or operating licenses require prior approval by the Agencies, as applicable, unless otherwise specified in RCRA or Part 111 and, if necessary, modification of the permit or license. Persons on the WDI/MDWTP facility mailing list will be notified of any modifications to the permit or licenses, as required by the applicable administrative rules. In addition, the U.S. EPA, under the Toxic Substance Control Act (TSCA) approval, requires WDI to establish a community advisory group to provide a forum for ongoing dialogue and cooperation between the facility and local residents. It is envisioned that forum will also address issues pertaining to MDWTP.

COMMENT 5:

A resident asked how the EQ has been able to operate since June 1995 without a license.

RESPONSE:

The administrative rules provide that any owner or operator who submits an application for a new license to the Agencies 180 days prior to their license expiration date may continue to operate until the Agencies make a final decision on the application pursuant to the Michigan Administrative Procedures Act, 1969 PA 306, as amended.

COMMENT 6:

Residents questioned and disagreed with the permitting process.

RESPONSE:

The permitting process followed by the Agencies is specified by state and federal statutes and administrative rules.

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

COMMENT 7:

Residents questioned the influence of the public hearing on the approval decision and asked whether the permit application has already been approved without public comment. A resident questioned the influence of the public hearing on the approval decision and stated that the hearing is a "waste and a fallacy."

RESPONSE:

The public participation process had a significant impact on the final decisions. The Executive Summary Section of this *Response To Comments* highlights the significant changes that were made to the draft decision documents as a result of the public participation process. These changes demonstrate that the hearings were not a "waste and a fallacy." The public hearings were conducted to receive oral or written statements and data concerning the draft operating licenses and the draft RCRA permits for WDI and MDWTP. The Agencies reviewed and considered all comments received during the public participation process prior to making a final decision on the issuance of the licenses and permits. The hearing and written comments resulted in changes to the permits and operating licenses, as summarized in the Executive Summary.

COMMENT 8:

A resident expressed concern that EQ's advertisement in the local newspaper was misleading and untruthful.

RESPONSE:

The Agencies are not responsible for any advertisements not published by the Agencies.

COMMENT 9:

The Charter Township of Ypsilanti asked whether it will be provided with answers to the questions presented by Van Buren Township.

A resident asked the following: "When can residents expect responses to their questions? How will they be made available and will it be after the decision has been made?"

RESPONSE:

By this *Response To Comments*, the Agencies are responding to all significant comments on the draft operating licenses and RCRA permits received during the public participation process. A notice of final decision and the availability of the *Response To Comments* will be sent to all persons on the facility mailing list. A copy of the *Response To Comments* will be mailed to all persons who specifically request a copy.

COMMENT 10:

A resident stated that the presentation given by the Agencies' officials was "good for somebody within your own departments," but was difficult for the residents to understand. The resident asked, "How many people on the podium at the public hearing live in this area?" She stated that "it seems easier to make a decision for someone else when you don't live here."

RESPONSE:

The Agencies made presentations, including diagrams and visual aids, that were intended to be clear and understandable to the audience. None of the agencies' representatives reside in the Belleville area.

COMMENT 11:

A state senator stated that he is skeptical that state laws have been overlooked but that if such allegations are

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

true, he disapproves. He also assured the community that environmental guidelines and regulations will be strictly adhered to.

RESPONSE:

The Agencies reviewed the applications in accordance with the applicable requirements of Part 111 of Act 451 and RCRA.

COMMENT 12:

Residents requested that the permit approval decisions be delayed.

RESPONSE:

The final decisions for the licenses were delayed due to the extended public participation process and the Agencies' efforts to develop new permit conditions responsive to public concern. The final decisions were further delayed by MDWTP's outstanding air permit violations. In August 1997, MDWTP air pollution control equipment failed the stack test for emission limits and VOCs on the east side of the treatment building. The Agencies decided to delay the licensing process until MDWTP could demonstrate compliance with its air permit.

COMMENT 13:

Several residents requested that the town, the community, and the people be protected in making decisions regarding the facility. Some of these people requested that logic and morals be applied in the decision-making.

RESPONSE:

Public health and the environment are protected in the permitting process. The technical standards of Part 111 and RCRA were developed to ensure the protection of human health and the environment. Since the applications were reviewed for compliance with the applicable technical standards, the Agencies believe this demonstrates that public health and the environment are significant factors in the decision-making process.

COMMENT 14:

One resident requested that a temporary injunction be issued.

RESPONSE:

Part 111 gives the MDEQ the authority to issue an order to permanently or temporarily cease operation at a treatment, storage, or disposal facility (TSDF) in cases where the treatment, storage, or disposal of hazardous waste present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment. The Agencies believe there is insufficient cause to issue an order to cease operations of the MDWTP facility.

COMMENT 15:

A resident requested that the U.S. EPA close the site if the site is not managed and maintained better.

RESPONSE:

MDWTP has consistently made changes to their operating procedures and facilities to prevent future occurrences of non-compliance. On November 21, 1996, the Agencies assigned a new full-time monitor to these facilities, who will be able to inspect the facilities more frequently than the facilities are currently being inspected. This assignment was made to demonstrate the Agencies' response to the concerns voiced by the

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

public during the public participation process. This improved monitoring of the operation of the facilities gives the Agencies the ability to intervene more quickly if the facilities are operated in a manner constituting non-compliance with the operating license and RCRA permit.

COMMENT 16:

One resident asked how often permits come up for renewal.

RESPONSE:

Renewals for operating licenses and RCRA permits for hazardous waste management facilities are generally reviewed by the Agencies every ten years after the date of license or permit issuance or reissuance. The facility is required to submit permit renewal applications 180 days prior to license expiration. Due to extensive public concern at this facility, the expiration date for the license and RCRA permit is five years from the date of reissuance.

COMMENT 17:

A resident asked why the public hearing on the permits was held almost one year after the applications were submitted. He stated that the U.S. EPA has abandoned its duties regarding the safety of area residents, the State of Michigan, and the North American region.

RESPONSE:

During that one-year timeframe, the Agencies conducted detailed reviews of the renewal applications. Those reviews involved comparing the contents of the applications to the state and federal hazardous waste management regulations to determine whether the facility will be operated and maintained in compliance with these regulations. Several Notices of Deficiencies (NODs) were sent to the facility because some aspects of the applications failed to adequately address certain aspects of the applicable regulations. The facility was allowed 30 days to respond to the NODs. The facilities submitted responses to the NODs and the Agencies reviewed those revisions to determine if the deficiencies were adequately addressed. When the applications were considered complete and technically adequate, the Agencies tentatively concluded that the licenses and permits met the requirements of the statutes and regulations and could be issued, unless new and significant information was discovered during the public participation process that had not been considered by the Agencies. Therefore, the Agencies drafted the licenses and permits and made them available to the public for comment through the public participation process.

COMMENT 18:

One hearing attendee questioned the manner in which the hearing was conducted and stated that he wants answers to the public's questions on record.

RESPONSE:

Answers to the public's questions are on record as a part of this *Response To Comments* issued by the Agencies.

COMMENT 19:

One resident stated that the U.S. EPA has no jurisdiction over the state. A resident asked, "Why is the EPA trying to give up their responsibilities to the MDEQ?"

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.2 Permitting Process

RESPONSE:

Michigan is authorized under RCRA to issue and deny licenses for the operation of hazardous waste management facilities, except for the portion of the license which relates to portions of the 1984 HSWA to RCRA for which Michigan is not yet authorized. The U.S. EPA, in cooperation with Michigan, is responsible for making a final determination on the HSWA portion of the application. Thus, until Michigan receives authorization to administer the entire HSWA portion of the RCRA program, reviews of applications and issuance or denial of licenses and permits will be conducted jointly.

COMMENT 20:

A resident stated the following: "The MDEQ and EPA have the responsibility of helping take care of the environment and not allowing companies to violate regulations. If companies have violations, close them down."

RESPONSE:

The Agencies require TSDFs to comply with the conditions of their operating licenses, permits, and the state and federal hazardous waste management regulations at all times. However, those regulations are very complex and are constantly changing. For these reasons alone it is expected that TSDFs at some point may experience some level of non-compliance. In general, the frequency, severity, and duration of a facility's non-compliance must be considered as well as how responsive the facility is to making changes to its operating procedures to return to compliance.

COMMENT 21:

The Washtenaw County Board of Commissioners, the Charter Township of Van Buren, the Township of Ypsilanti, technical consultants, several residents, Conservation and Resource Development Department of the United Auto Works, chair of Michigan Citizens Against Toxic Substances (MCATS), and the Michigan Environmental Council stated that they were opposed to the renewal of the RCRA permit or specifically requested that the permit be denied. Numerous business representatives and some residents stated that they support renewal of the RCRA permit so that hazardous wastes can be disposed of in a secure facility.

RESPONSE:

After thorough consideration of all the legal and technical requirements, as well as the hundreds of public comments received, the Agencies concluded MDWTP meets the requirements and there is no basis for denying the permits.

2.3 Environmental Justice

COMMENT 1:

The technical consultant expressed concern about the "disparity in enforcement in areas populated by minority or low-income families."

RESPONSE:

The Agencies do not agree with the commentor's undocumented assertion that there is disparity in enforcement in areas populated by minority or low-income families. Effective implementation of the RCRA regulatory program rests on whether or not facilities regulated by these programs comply with its various regulations. The Agencies' enforcement programs are designed to ensure that the MDWTP and WDI facilities meet the regulatory and statutory provisions of RCRA regardless of whether or not these facilities are located within an area populated by minority and/or low-income families.

COMMENT 2:

The technical consultant expressed concern that "early and frequent communication with the community has not been achieved and impacted minority communities still have not received separate notice of this action."

RESPONSE:

State and federal agencies held an expanded public participation process for the WDI and MDWTP facilities. This process included meeting all the regulatory requirements for public participation under RCRA, as well as holding additional public meetings and a second public hearing. All meetings and hearings were announced in several local newspapers and broadcast over local radio stations. Please refer to the MDEQ's Response to Comment 1, Section 2.1 for a detailed discussion of dates, time, and location of public meetings and hearings for the WDI and MDWTP facilities.

COMMENT 3:

A technical consultant and residents expressed concern that because the area near the landfill is predominantly populated by African-American families, granting the permits would continue the cycle of the U.S. EPA's neglect of minority and low-income communities. The technical consultant expressed several concerns about toxic wastes being dumped within a one-mile radius of significant minority and low-income communities. These concerns are presented below.

- a. The technical consultant expressed concern that the demographics in Ypsilanti Township within a one- and two-mile radius of the WDI landfill and existing environmental burdens in the community demonstrate that this proposal is an example of a federal agency decision that has the potential to increase the disproportionate impacts on low-income and minority populations. She included information from 1990 census tracts showing a relatively high percentage of African-American residents, low-income residents, and young people in the area.
- b. The technical consultant stated the following: "The analysis indicates that there may be negative impacts on low income and minority residents of the area as a result of agency action to approve the TSCA permit. The indications are based on significant existing sources of toxic exposures in the area and the evidence that suggests that Ypsilanti Township residents suffer disproportionately from chronic diseases and other measures of community health."

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.3 Environmental Justice

- c. The technical consultant stated the following: "Researchers looked at the distribution of environmental hazards in Michigan. They found that race was the most important variable in predicting the locations of contaminated sites, industrial emitters, and incinerators." She also stated that various groups conducted 70 studies that "demonstrated that people of color and low income live in areas of contaminated sites and hazardous facilities more than others in the general population."
- d. The technical consultant stated that "the Township is unaware of any EPA analysis of the environmental justice implications of a leak, spill, or other catastrophic event or permitted release on the fish quality and eventual health of minority and low-income anglers."
- e. The technical consultant stated that "Ypsilanti Township has vulnerable populations of children and seniors comprising over 1/3 of the total township population. Also, the perception income is \$3,000 below the county average and there are more minority populations than in nearby townships."
- f. The technical consultant stated that "the EPA should use Title 6 of the Civil Rights Act to ensure that federally assisted programs and activities should not affect human health nor discriminate on the basis of race, ethnicity, or color."
- g. The Charter Township of Van Buren and a technical consultant expressed concern that the U.S. EPA has not complied with the letter or the spirit of the "Environmental Justice Executive Order," which directs the agency to "collect, maintain, and analyze information on the race, national origin, and income levels of areas where significant agency action is taking place" and to "consider the environmental, economic, and social impact of any action the administrator proposes." Residents expressed concern about the EPA's disregard for minority and low-income communities and concern that the proposed licenses and permits violate the "Environmental Justice Executive Order" signed by President Clinton.

RESPONSE TO COMMENTS 3(a)-3(g):

The U.S. EPA is committed to ensuring, to the greatest extent practicable and permitted by law, that the implementation of its regulatory programs do not disproportionately impact minority and low-income communities. The Agency has done its best to evaluate the public's EJ concerns in the context of the RCRA and TSCA permitting regulations, the President's Executive Order 12898, and information provided by the public.

In response to the above comments, the U.S. EPA conducted a demographic analysis for a two-mile area surrounding the WDI landfill and MDWTP, utilizing 1990 U.S. Census Bureau data. This analysis was computer generated by the U.S. EPA Region 5's Office of Information Services utilizing the Geographic Information System application and the 1990 U.S. Census Bureau TIGER/Line and STF3A files. A copy of the resultant data map is provided as **Figure 3** in the **Overview Chapter** of this *Response to Comments*.

The demographic analysis revealed that 16.9% of the population within a two-mile radius are minorities and 21.3% of the population within a two-mile radius is in the low income group. The U.S. Census Bureau defines low-income as when the household income is less than double the poverty level. A comparison between the State-wide average of 18.7% minorities and 29.3% low income, showed that the percent minorities and percent low-income population within a two-mile radius of the WDI facility are below the State average. Based on the demographic analysis and information available to the U.S. EPA Region 5 at this time, the U.S. EPA finds no basis for the commentor's assertion that minority and low-income populations within a two-mile radius are disproportionately impacted by the WDI landfill or the MDWTP facility.

Response to Comments for Michigan Disposal Waste Treatment Plant
General Issues
2.3 Environmental Justice

RESPONSE TO COMMENT 3 (f):

Although Title 6 of the Civil Rights Act by its terms applies to recipients of federal assistance (i.e., State of Michigan), the President's Executive Order 12898 requires the U.S. EPA to ensure that its permitting activities do not discriminate on the basis of race, color, or national origin. The U.S. EPA conducted a demographic analysis within a two-mile radius of the MDWTP and WDI landfill. Based on the analysis, the U.S. EPA concluded that minority and low-income populations within the two-mile radius were not disproportionately impacted by the MDWTP and WDI facilities. For a detailed explanation, see response provided above.

2.4 Unanswered Comments

The following comments have not been individually answered. They are unanswered because the issues they raised are not criteria that the Agencies are authorized to consider in making their determinations or there was insufficient information stated in the comment to prepare a response. The criteria the Agencies are required to consider are specified in the RCRA and Part 111 statutes and administrative rules. These comments are listed here to provide an accounting of all comments received and responses provided.

COMMENT 1:

The Chairman of MCATS and the Mayor protem of Milan stated their concerns about EQ's cleanup of the Arcona Road Landfill site in Augusta Township and associated construction problems and leachate spills.

COMMENT 2:

Can the relicensing of this facility be approved before resolving this issue completely?

COMMENT 3:

A resident stated that the permit is being used to implement the findings of the United Nations Conference on Population Control, which stated that the world population must be decreased by 350,000 people per day to stabilize the world population.

COMMENT 4:

The "whole issue is about money," and "Ford [Ford Motor Company] overrides the health of the people."

COMMENT 5:

The EQ stated that a better approach to showing the facility would be a drawing prepared at a scale using less than 10 to 1 vertical exaggeration.

COMMENT 6:

A resident stated that the facility does not want to do anything that costs money.

COMMENT 7:

A student asked how much money the school would make from the facility's being permitted.

COMMENT 8:

A resident reprimanded the EQ for firing four employees because their families were involved in protesting the permits and questioned the ethics represented by these actions.

COMMENT 9:

The Township of Ypsilanti and several residents complained that EQ's advertisement in the April 14, 1996 edition of the Belleville-Area Independent is untruthful.

Michigan Disposal Waste Treatment Plant

3.1 DEQ Hazardous Waste License (Part 111)

3.1.1 Environmental Monitoring

COMMENT 1:

Review of the groundwater sampling and analysis plan indicates that a small number of indicator parameter analyses are required to be performed in the monitoring wells downgradient of the Michigan Disposal, Inc. (MDI) facility. The MDI facility is permitted to accept over 700 waste codes for treatment at the facility. However, the MDI facility only has twelve primary indicator parameters incorporated into its operating license to determine whether impacts from the facility have occurred in the groundwater. This monitoring is clearly inadequate given the types of waste acceptable for treatment at MDI.

With the number of waste codes MDI is allowed to accept, how and why were only twelve primary indicator parameters selected for the MDI facility?

How does MDEQ determine the number of primary parameters at a facility?

RESPONSE:

The MDEQ selects parameters for analyses based on their potential to harm human health and the environment due to their toxicity, mobility, and concentration. The primary indicator parameters that have been selected for monitoring at the Michigan Disposal Waste Treatment Plant (hereinafter referred to as the "licensee") are among the first that would be detected if the facility were to impact the groundwater.

COMMENT 2:

The analytical method utilized to determine the concentration of primary parameters listed in Attachment H also determines the concentration of several other Volatile Organic Compounds (VOCs) which may be present in the water. Without any additional expense, these additional parameters could be incorporated as primary indicator parameters in the operating license. Semivolatile organic analysis (acid, base and neutral) utilizing the EPA 8270 could be utilized to provide additional demonstrations that the groundwater is not adversely impacted by the MDI operations. MDI is a processing operation in which the surrounding area could be impacted by overfills of the treatment tanks during the time period when the alarms are not working, explosions such as the May 1994 occurrence, or from other undocumented incidents of improper waste handling.

RESPONSE:

The list of primary parameters to be monitored on a routine basis includes those chemicals present in the waste stream at high concentrations and waste stream constituents that would be highly mobile if released into the environment. Due to these characteristics, the primary parameters would be the first parameters detected if a release were to occur. If the licensee was to confirm the presence of a primary parameter in the groundwater, they would be required to collect additional samples and analyze them for a very extensive list of parameters. This extensive list would include all of the parameters in the EPA analytical methods 8260-volatile organics, and 8270-semivolatile organics, as well as numerous other parameters. In addition, the MDEQ conducts split

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

sampling events at MDWTP to verify the quality of the MDWTP data and field procedures. An extensive list of parameters is analyzed for during these audit inspections.

COMMENT 3:

Will the MDEQ consider additional parameters to be included in the license as primary parameters?

RESPONSE:

The MDEQ will continually evaluate the results from the licensee's environmental monitoring programs. If the MDEQ determines that there is a need to include additional parameters in the program, the licensee will then be required to revise their program to satisfy this need.

COMMENT 4:

Why is the on-site water supply well not being utilized as a monitoring point?

RESPONSE:

The water supply wells at MDWTP were removed and properly abandoned prior to the construction of Master Cell VI-D at WDI. Furthermore, water supply wells typically are not constructed for use as groundwater monitoring wells. These wells often draw water from much greater depths and they generally are equipped with permanent high volume pumps unsuitable for organics sampling. In addition, the licensee has installed numerous wells specifically for groundwater monitoring. The MDEQ has determined that these wells are adequately located to provide early warning if a release were to occur.

COMMENT 5:

The information included in Attachment 1 seems to be out-of-date. For instance, the method detection limit for vinyl chloride is listed as 5 parts per billion (ppb), while the MDEQ 1 in a 100,000 published residential human health risk level is 2 ppb. D-2 Page 12 of the application indicates that the information in Attachment 1 should be reviewed periodically and updated. If the review reveals that changes have been made in analytical methods or quality assurance/quality control ("QA/QC") protocol, then Attachment 1 should be updated and transmitted to the MDEQ.

Page D-2 has a revision date of 12/18/95, while Attachment 1 contains a revision date of 4/93. The operating license allows utilizing improved laboratory methods or QA/QC without prior approval, however, the new requirements must be included in the updated sampling and analysis plan. Review of the water quality data for the site indicates that the reported method detection limit for vinyl chloride is 1 ppb. However, it appears that MDI did not consider periodic review of Attachment 1 as part of the operating license renewal process.

RESPONSE:

For detection monitoring, the MDEQ has developed a list identifying the lowest detection levels that can be achieved with any degree of certainty on a routine basis. The MDEQ has determined that the lowest detection level that can be accurately achieved for vinyl chloride is 5 ppb. When vinyl chloride is reported to be present at less than 5 ppb, there is uncertainty whether the value is real or whether it is a false positive. The MDEQ's laboratory has been determined through EPA audits to be an excellent laboratory. If the MDEQ's laboratory cannot analyze vinyl chloride with any accuracy below 5 ppb, it is unreasonable to request the licensee to use detection levels below this value. If technology changes and it becomes technically feasible to accurately

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

achieve lower detection levels for vinyl chloride, the licensee will then be required to revise their analytical procedures to incorporate these lower detection levels.

COMMENT 6:

What constitutes periodic review of practices and procedures?

RESPONSE:

The licensee employs the third party laboratory, Encotec, to perform groundwater analyses. The licensee reviews Encotec's analytical procedures, target method detection limits, QA/QC frequencies, and precision and accuracy requirements on a quarterly basis.

COMMENT 7:

If review of procedures is not part of a significant event such as permit renewal, what does the MDEQ consider an appropriate time interval in which to periodically review practices and procedures?

RESPONSE:

The licensee reviews Encotec's analytical procedures, target method detection limits, QA/QC frequencies, and precision and accuracy requirements on a quarterly basis. The MDEQ considers the licensee's frequency for reviewing Encotec's lab practices and procedures to be adequate.

COMMENT 8:

Within what time period would the MDEQ expect to be notified with respect to a procedural update?

RESPONSE:

The MDEQ expects to be notified with respect to procedural updates as soon as possible following the update and no later than one (1) year following the change. The licensee is required to submit an annual groundwater report to the MDEQ summarizing the results from their monitoring program and any laboratory procedural changes.

COMMENT 9:

What repercussions has MDI suffered due to their lack of compliance with the notification requirements?

RESPONSE:

With respect to environmental monitoring programs, the licensee has not been out of compliance with the notification requirements regarding procedural updates.

COMMENT 10:

How many other items has the MDEQ identified that MDI has not updated or revised to reflect current operations for the permit renewal?

RESPONSE:

Some documents were identified as deficient during the technical review of the operating license application. However, those items were revised and resubmitted to the MDEQ.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

COMMENT 11:

Has the MDEQ visited the facility and reviewed the operation to determine that the procedures submitted by MDI reflect actual practices at the facility or has MDEQ just reviewed the submittal and not actually observed the procedures being performed?

RESPONSE:

The MDEQ has conducted several inspections of the licensee's facility during the operating license renewal process to review and compare the actual facility operations to the written descriptions provided in the license renewal application.

The MDEQ's, WMD Southeast Michigan District Office staff inspect the actual facility operations and file a written report for this facility four times a year. Also, the MDEQ's WMD staff conducts an annual Operations and Maintenance Inspection of the facility environmental monitoring programs. As part of this inspection, MDWTP's groundwater monitoring program is also evaluated to determine compliance with the facility sampling and analysis plan and environmental samples are collected and split with the facility for independent analysis at the MDEQ laboratory to evaluate the facility results. This occurs because several of WDI's monitoring wells are part of MDWTP's groundwater monitoring program.

COMMENT 12:

Is it possible that if the permit application documents reflected the actual, rather than the optimal, operations and workings of the MDI facility, the operating license may not be renewed?

RESPONSE:

If there were significant differences between the application information and the actual operation, it could be grounds for denial of the application. However, for MDWTP, the MDEQ considers the operating license renewal application, as revised through the review process, to be consistent with the actual operations at the facility.

COMMENT 13:

Why are specific carbamate indicator parameters not included in the surface water and groundwater sampling program, when low concentrations are known to be harmful?

Will the environmental monitoring program, including the groundwater and surface water monitoring program be updated and amended to include indicator parameters for these types of wastes?

RESPONSE:

The MDEQ selects parameters for analyses based on their potential to harm human health and the environment due to their toxicity, mobility, and concentration. The primary indicator parameters that have been selected for monitoring at the licensee's facility are among the first that would be detected if the facility were to impact the groundwater.

In addition, the operating license requires MDWTP to investigate shallow groundwater quality in the vicinity of the Southeast Container Storage Area (SECSA) and other waste handling areas at the facility, and to develop a groundwater monitoring program based on the results of that investigation. The MDEQ's evaluation of that

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

program will include an analysis of the proposed monitoring parameters to ensure that appropriate monitoring parameters for carbamate waste are included in the groundwater monitoring program.

COMMENT 14:

Ms. K. Kelley [Ms. Kimberly Tyson], the MDEQ's permit engineer, indicated she was a reviewer of the WDI permit application. She stated on page 12, lines 8-12, that the proposed operating license for the Michigan Disposal waste treatment plant facility is similar to the existing operating license. She discussed over the next several pages the characteristics of the various types of tanks, treatment areas and other facilities located at the site.

On page 15, lines 23-25, she mentioned that part five of the license is devoted to environmental monitoring conditions, including groundwater monitoring.

On page 16, lines 9-14, she mentioned that part seven of the license includes expansion of the groundwater monitoring program. No details are provided, however, on the characteristics of these groundwater monitoring programs. The license applicant in the application and the regulatory agency personnel mentioning the groundwater monitoring requirements program for the waste treatment facility should provide the public with information on the adequacy of this monitoring program to detect potential groundwater pollution before widespread groundwater pollution occurs. Rather than following the arbitrary and often insufficient approach of assuming that a monitoring program will be reliable, a critical in-depth review of the reliability of the program should be conducted. The results of this review should be reported to the public at the public hearing. The public is entitled to know more than just that a groundwater monitoring program has been developed; at a hearing they should be provided summary information on the reliability of this program to protect their health, groundwater resources and interests.

RESPONSE:

Due to the limited amount of time allowed for the public hearing, it was not possible to cover all aspects of the draft operating licenses and draft RCRA permits for the MDWTP and WDI, and the TSCA approval for WDI landfill. Both agencies made presentations, including diagrams and visual aids, that were intended to summarize the changes in a clear and understandable format to the audience.

The details of the groundwater monitoring programs for MDWTP were covered in the presentation given by Mr. Allan Taylor, WMD, MDEQ.

The operating license requires the licensee, within 60 days of license issuance, to submit a workplan to investigate the presence and quality of groundwater within the upper sand unit at the facility. Based on the results of the investigation, the MDEQ will make a determination at that time whether to expand the groundwater monitoring program to cover the SECSA and other waste handling areas at the facility. The MDEQ could not, during the public hearing, comment on the reliability of an expanded monitoring program since it has not been determined whether the expansion is necessary.

Any determination the MDEQ makes regarding the groundwater monitoring program is available to public upon request.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

COMMENT 15:

If ambient air monitoring determines that an exceedance has occurred, under what circumstances may the facility not be required to initiate corrective action?

If ambient air monitoring determines that an exceedance has occurred, what type of corrective action will the EPA require WDI to initiate, and how much time will WDI be given to initiate the action?

RESPONSE:

All exceedances require the initiation of corrective action. Under the State's air program, an exceedance is defined as being over the limit for a national air standard. At MDWTP, PM10 is the only parameter being monitored that has a national air standard. If there is an exceedance of PM10 at MDWTP, appropriate enforcement actions will be taken.

For federally-enforceable air permit requirements, the EPA has the ability to take enforcement action directly. In general, state and local regulatory agencies, as well as owners and operators of air contaminant sources, are aware of federal authorities to take action in the absence of local action. Through a Memorandum of Agreement and grant agreement with Wayne County, EPA reserves the right to act in the absence of Wayne County action; however, it is the EPA's policy to require "timely and appropriate" enforcement action by delegated agencies against significant violators of the Clean Air Act. "For example, if Wayne County determined that an exceedance was from this particular facility, it would have 150 days to take an enforcement action. If the county did not take an action, the EPA would. The EPA's first enforcement step is a notice of violation, which would require the facility to propose compliance steps and a compliance schedule. Depending upon the particular circumstances of the violation, the EPA would accept, or require alterations to, the proposal."

The federal RCRA permit requires MDWTP to report any incidences of noncompliance with the permit which may endanger human health or the environment. The facility is also required to report any fires or explosions at the facility which could threaten the environment or human health outside the facility. Within five days of the incident, MDWTP is required to provide a written report to EPA which must contain a description of the noncompliance and its cause; the date and time of the noncompliance; steps taken to minimize impact on the environment; and identify the steps taken to reduce, eliminate and prevent recurrence of the noncompliance.

COMMENT 16:

The Charter Township of Van Buren asked why the detection limits for the various indicator parameter analyses are not detailed in this section as they were in the ambient air monitoring section.

RESPONSE:

The detection limits for each of the licensee's environmental monitoring programs are listed in the sampling and analysis plan for the program.

COMMENT 17:

EQ indicated that the TSP monitoring program has been replaced with PM-10 monitoring and that PM-10 data should be specified instead of TSP data.

EQ indicated that the ambient air monitoring plan replaces the organic vapor sampling program.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.1 Environmental Monitoring

RESPONSE:

Under the current ambient air monitoring program, six stations around the perimeter of the site are monitored using organic samplers and high volume TSP (metals), PM₁₀, (particulates) and polyurethane foam (PUF) samplers. The high volume TSP, PM₁₀, PUF, and organic samplers operate every 6th day for a 24 hour period. The PUF samplers are to be operated every third day during June, July, and August. Samples collected from the high volume TSP samplers are analyzed to cadmium, chromium, lead, and PM₁₀. Organic samples are analyzed for benzene, carbon tetrachloride, chloroform, ethylbenzene, methylene chloride, 1,1,1-trichloroethane, tetrachloroethene, trichloroethene, toluene, and xylene (total). The PUF samplers are used to monitor PCBs.

MDWTP and WDI Site #2 landfill utilizes the same ambient air monitoring program.
The current ambient air monitoring program is included in the operating license as Attachment 14.

COMMENT 18:

EQ indicated that the application should clearly indicate that the MDEQ permits the ambient air monitoring program, not Wayne County.

RESPONSE:

The MDEQ permits the ambient air monitoring program under the Part 111 operating license. Part 111 requires owners or operators of hazardous waste treatment, storage, or disposal facilities to conduct an ambient air monitoring program approved by the MDEQ to detect violations of the provisions of Part 55, Air Pollution Control, of Act 451. The WCAQMD, as lead investigative and enforcement agency for air quality in Wayne County, conducts inspections and reviews air monitoring data for hazardous waste management facilities located in Wayne County to ensure compliance with their Part 111 ambient air monitoring program, Michigan's Air Pollution Control Act, and the federal Clean Air Act.

3.1.2 Compliance History

COMMENT 1:

The MDEQ conclusion #1 indicates that the facility has been constructed and operated in accordance with approved plans and applicable rules. Review of the compliance chronology developed by the MDEQ and the more complete chronology completed by Van Buren Township does not substantiate this statement.

RESPONSE:

The MDEQ views conclusion #1 of the basis for proposed operating license issuance contained in the fact sheet prepared for the licensee's facility as an accurate statement. The facility has been constructed in accordance with the engineering design plans and specifications submitted to the MDEQ on October 10, 1988. The licensee submitted documentation on March 28, 1990, certifying that:

- a. the hazardous waste tank systems were properly installed, as required by R 299.9615 of the hazardous waste management rules and Title 40, Code of Federal Regulations (CFR), part 264, section 192(g) [40 CFR §264.192(g)], which is adopted by reference in R 299.11003 of the hazardous waste management rules;
- b. the facility has been constructed in accordance with the approved plans and specifications, as required by R 299.9508(1)(c) of the hazardous waste management rules;
- c. the facility is capable of storing and treating hazardous waste, as required by R 299.9508(1)(d).

Operation of the facility has been for the most part in compliance with Part 111 of Act 451 and the rules (R 299.9101 - R 299.11107) promulgated pursuant to that part. There have been some instances in which the licensee has operated its facility out of compliance with Part 111 and its rules but the licensee has been responsive in making changes to its operating procedures and facility to come back into compliance and prevent future occurrences of non-compliance.

COMMENT 2:

Over the past five years, 25 MDEQ inspections have been performed. Of these 25 inspections, only one inspection indicated the absence of issues or violations of the operating license. From a statistical standpoint, this indicates that the facility, when randomly inspected, has been in compliance with the operating license approximately 4 percent of the time over the last five years. A notice of violation letter was issued to the facility as recently as February 8, 1996. It is our understanding that compliance with the operating license is essential to protection of the community and the environment and that substantial efforts are put forth to draft and finalize an operating license that works to reach that result.

Is this normal compared to other facilities? Why would you reward this waste facility with another five year permit?

RESPONSE:

In the majority of those inspections that resulted in follow-up issues or violations, there were no immediate threats to human health or the environment identified.

Operating licenses are issued to owners and operators of TSDFs to:

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

- a. ensure that they established the necessary procedures and plans to operate their facility and to manage any emergencies or accidents in a manner protective of human health and the environment; and
- b. further minimize the potential for threats to human health and the environment resulting from hazardous waste treatment, storage, and disposal.

The MDEQ expects TSDFs to comply with the conditions of their operating licenses and Part 111 and its rules at all times. However, the hazardous waste management regulations are very complex and are constantly changing. For these reasons alone, it is expected that TSDFs, at some point, may experience some level of non-compliance. The MDEQ also looks at whether the TSDF, when found to be out of compliance with its license or Part 111 and its rules, is responsive to making changes to its operating procedures to come back into compliance. The licensee has been responsive in addressing facility violations to the MDEQ's satisfaction.

COMMENT 3:

From September 1992 to November 1992, the EPA determined that the conditions of MDI made it unacceptable for the receipt of waste generated as a result of remedial activities conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as the Superfund Act. In July 1994, the EPA once again warned MDI that conditions exist at the facility which may render the facility unacceptable for the receipt of CERCLA wastes. The EPA's concerns about the facility's operating record should serve as a warning as to further operations at MDI.

RESPONSE:

Per MDEQ files, on September 22, 1992, the EPA made a determination that the current conditions at the licensee's facility made it unacceptable for the receipt of off-site waste generated as a result of removal/remedial activities under CERCLA. On November 6, 1992, the licensee received a letter from EPA stating that the acceptance of CERCLA waste at the licensee's facility may resume, due to the correction of certain deficiencies outstanding on September 22, 1992. On July 14, 1994, the EPA sent the licensee its determination that conditions exist at the licensee's facility which may render it unacceptable for the receipt of CERCLA wastes. On August 16, 1994, the MDEQ informed the EPA that the relevant deficiencies have been corrected and the licensee may receive CERCLA wastes. In both instances, the licensee made the necessary changes to their operating procedures to comply with the requirements for managing CERCLA waste at its facility.

The licensee has made some operational mistakes in the past. However, the MDEQ has taken this into consideration and modified the operating license to impose revised procedures in the areas of waste acceptance, waste analysis, waste handling, etc. Additionally, the MDEQ has hired a full-time, on-site compliance monitor to inspect the facility more frequently than was done in the past. This allows the MDEQ to closely monitor the facility to help assure compliance with the Part 111 operating license and to quickly take action if the licensee operates its facility in a manner constituting non-compliance.

COMMENT 4:

Finally, the consent judgment (CJ) issued by the State of Michigan against the EQ Company, which included Envotech Management Services, Incorporated (EMSI), indicated that violations at the facility involved waste approval and acceptance procedures and plans, waste analysis plans, hazardous waste treatment operations and

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

fire protection at EMSI. MDI ultimately paid a fine of \$500,000 for an explosion and other problems with the facility's operations.

Michigan Citizens Against Toxic Substances (MCATS) is against the relicensing of EQ's Van Buren Township hazardous waste disposal facility due to numerous violations including an explosion, fires, illegal acceptance of certain types of hazardous waste, burial of hazardous waste, burial of hazardous waste before the required pre-treatment, and other violations of the Hazardous Waste Management Act and of their RCRA license for which they are now seeking re-approval. MCATS want to know if there has been resolution for all the violations as required in the Sygo's [Mr. Jim Sygo, Chief, WMD, MDEQ] letter and in the CJ of October, 1994.

One resident asked whether all violations had been resolved as required in the CJ of October 1994.

RESPONSE:

The October 21, 1994 CJ issued to the licensee required:

- a. payment of a \$500,000 civil fine and a \$10,000 partial compensation fee for the MDEQ's costs of surveillance and enforcement; and
- b. submittal of revised operating procedures for review and approval by the MDEQ prior to implementation for waste approval and acceptance, waste analysis, hazardous waste treatment, recordkeeping, facility emergencies, fire protection, and personnel training.

The licensee has submitted all documents required by the CJ and the MDEQ has approved them. All fines required by the CJ have been paid by the licensee.

In April 1997, further enforcement action was taken on a cluster of incidents including two fires, two cases of waste mismanagement and improper notification regarding the sale of two solid waste facilities. EQ has paid \$35,000 in fines. The MDEQ has determined that EQ has complied with all of the terms of the CJ. The MDEQ terminated the CJ on September 17, 1997. Based upon the April 1997 enforcement action, additional changes have been made to the MDWTP license. For example, the addition of detailed procedures for compatibility testing to determine if the waste can be appropriately and safely treated by MDWTP, the addition of more detailed recordkeeping procedures for wastes, reagents, and combustible materials (packaging) subjected to the treatment processes, and the addition of more detailed procedures for waste pre-approval, receipt, and processing.

COMMENT 5:

MDI's operating history represents six years of regular noncompliance with regulations designed to protect the public health and the environment. With one notable exception, enforcement for those violations and monitoring for additional violations has been more than merely lax. The past violations along with the MDEQ's desire to grant an operating permit raises several questions.

RESPONSE:

The licensee has made some operational mistakes in the past; however, the licensee has been responsive in making changes to its operating procedures and facility to prevent future occurrences of non-compliance. During those timeframes of non-compliance, the licensee was verbally communicating their intentions to the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

MDEQ in lieu of written correspondence until final decisions on the remedy were agreed by the MDEQ and the licensee. Given the licensee's active participation on making the necessary changes to their operating procedures to come back into compliance and the nature of the violations, enforcement actions were not warranted.

COMMENT 6:

What percentage of the time does a facility need to be in compliance with their Operating License for MDEQ to conclude that it has been operated in accordance with applicable rules?

RESPONSE:

The MDEQ expects TSDFs to comply with the conditions of their operating licenses and Part 111 and its rules at all times. However, the hazardous waste management regulations are very complex and are constantly changing. For these reasons alone, it is expected that TSDFs, at some point, may experience some level of non-compliance. When considering license re-issuance, the MDEQ also looks at whether the TSDF, when found to be out of compliance with its license or Part 111 and its rules, is responsive to making changes to its operating procedures to come back into compliance.

COMMENT 7:

How many violations are required for the MDEQ to determine that a facility has not operated within applicable rules?

How many violations are required to provide the MDEQ with justification for not renewing the operating permit?

RESPONSE:

The MDEQ does not have statutory or regulatory authority pursuant to Part 111 and its rules to assign a maximum limit to: 1) the number of violations a facility must not exceed to qualify as operating within the hazardous waste management rules, or 2) the number of violations that a facility must not exceed to justify the renewal of their hazardous waste management operating license. As was indicated in a previous response, this facility has been responsive in addressing violations and bringing the facility back into compliance.

COMMENT 8:

Is one inspection with the absence of issues or violations in the last five years considered adequate enough to justify a license renewal?

RESPONSE:

No. The justification for license renewal is based on the following factors:

1. The facility has been constructed and operated in accordance with approved plans, and applicable rules.
2. The facility does not, at this time, present a hazard to human health or the environment. This conclusion is based on environmental monitoring of air, surface water, and groundwater conducted by the MDWTP and audited by the MDEQ and compliance inspections conducted by MDEQ staff.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

3. The application submitted by MDWTP is sufficiently detailed to demonstrate that the facility's design and operation complies with the applicable technical standards.

COMMENT 9:

How many CJs need to be filed against a facility before non-renewal of the operating license is justified?

RESPONSE:

The MDEQ does not have statutory or regulatory authority pursuant to Part 111 and its rules to assign a maximum limit to the number of CJs that a facility must not exceed to qualify for renewal of their hazardous waste management operating license. By entering CJs, the licensee has shown responsiveness in agreeing to correct the violations. The licensee has submitted all documents required by the CJ and the MDEQ has approved them. All fines required by the CJ has been paid by the licensee.

In April 1997, further enforcement action was taken on a cluster of incidents including two fires, two cases of waste mismanagement and improper notification regarding the sale of two solid waste facilities. EQ has paid \$35,000 in fines. The MDEQ has determined that EQ has complied with all of the terms of the CJ. The MDEQ terminated the CJ on September 17, 1997. Based upon the April 1997 enforcement action, additional changes have been made to the MDWTP license. For example, the addition of detailed procedures for compatibility testing to determine if the waste can be appropriately and safely treated by MDWTP, the addition of more detailed recordkeeping procedures for wastes, reagents, and combustible materials (packaging) subjected to the treatment processes, and the addition of more detailed procedures for waste pre-approval, receipt, and processing.

COMMENT 10:

Does the MDEQ equate compliance with the conditions of the Operating License to protection of the public health and safety, as well as the environment? If not, what is the purpose of the operating license?

RESPONSE:

Yes. When owners and operators of TSDFs comply with the conditions of their operating license they further minimize the potential for threats to human health and the environment resulting from hazardous waste treatment, storage, and disposal.

COMMENT 11:

Review of the inspection findings indicate that MDI has on several occasions had repeated warnings on several issues that have not been remedied at the facility in a timely manner. From July 31, 1990 until approximately November 1991, MDI was in violation of their Operating License for failure to submit plans for a mechanical container handling system. In addition, from February 21, 1991 through approximately July of 1991, two letters of warnings were issued for failing to submit a written description of the repairs and changes to the curbing wheel stops in the North Container Storage Area (NCSA). In addition, overfill level alarms were out of service for several treatment tanks from the period of March 23, 1994 through July 1994.

RESPONSE:

In those instances, there were no immediate threats to human health or the environment identified. During those timeframes of non-compliance, the licensee was verbally communicating their intentions to the MDEQ in lieu of

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

written correspondence until final decisions on the remedy was agreed to by the MDEQ and licensee. All compliance issues for this facility have been addressed to the satisfaction of the MDEQ.

COMMENT 12:

A violation noted in the September 20, 1990 inspection requested verification that MDI was following the Waste Acceptance Policy and Procedure of the Operating License. MDI responded to the request in writing in November of 1990. However, the explosion which occurred at the EMSI facility on the night of May 17, 1994 and the subsequent CJ #94-78889-CE indicates that it is questionable whether actual compliance with the Waste Acceptance Procedures in the Operating License ever occurred (Exhibit E).

RESPONSE:

The explosion and subsequent CJ was an indication that the licensee failed to follow the approved waste treatment procedures and the waste analysis plan for a particular waste stream accepted at the licensee's facility for treatment.

COMMENT 13:

What is the MDEQ's definition of generally responsive with respect to time frame to correct issues and violations?

RESPONSE:

"Generally responsive" means the licensee being aware of the violation actively works on correcting the violation. In most instances, the licensee verbally communicates their intentions to the MDEQ in lieu of written correspondence until final decisions on the remedy are agreed upon by the MDEQ and the licensee.

COMMENT 14:

What degree of uncooperative behavior is required to justify non-renewal of an operating license?

RESPONSE:

If the licensee cannot or will not correct the violations to the satisfaction of the MDEQ, this may result in the denial of the renewal application. The criteria for denying an application for an operating license is specified below.

R 299.9518 Operating License denial states:

- 1) The Director shall deny an application for an operating license if the operation of the treatment, storage, or disposal facility for which the license is sought will violate Part 111 or its rules.*
- 2) The applicant is on notice that, in addition to any other of these rules, the director shall deny an operating license application if any of the following occur:*
 - a) Notwithstanding the receipt of the certification of construction required by section 22(3) of the act, the facility has not been constructed according to the plans approved by the director, the requirements of the act or these rules, or the stipulations and conditions of the approved construction permit.*

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

- b) *The existing construction or operation of an existing facility or facility newly subjected to the licensing requirements of the act and these rules presents a hazard to the public health or the environment.*
- c) *The applicant has not submitted sufficiently detailed or accurate information to enable the director to make reasonable judgments as to whether the license should be granted.*

3) *The criteria specified for license revocation pursuant to the provisions of R 299.9519 are causes for denial of an operating license renewal application.*

COMMENT 15:

Is MDI's failure to comply with Waste Acceptance procedures a significant departure from its operating permit? If so, is it enough to result in the MDEQ refusing to reissue the facility's license?

RESPONSE:

On May 17, 1994, the licensee failed to comply with the approved waste treatment procedures and waste analysis plan for a particular waste stream accepted at MDWTP for treatment. Failure to comply with these procedures, which are attached to the operating license, is considered failure to comply with the existing operating license. The CJ, which required payment of civil fines and the development of revised operating procedures, was the penalty for not complying with the operating license. The violation was not significant enough to deny the reissuance of the operating license. The criteria for license denial are specified in Comment 14 in this section.

COMMENT 16:

The compliance history of the EQ facilities was compiled by the MDEQ and included in the packet with the draft permit applications for public review. Review of an e-mail message generated by Mr. Larry AuBuchon of the WMD Division dated 3/4/96, indicates that as little as two days prior to the issuance of the "DRAFT for Discussion Only TSCA Permit" to WDI and Ford Motor Company for review, there were compliance issues at the facility which had not been resolved. In addition, the following quotation was included in an e-mail message from the same author on 1/31/96 regarding the facility's owners and operations:

"I think this company is in need of a wake up call. They are not operating in accordance with their permit and seem to be playing us off of each other." [(Exhibit D)]

Is it the EPA and the MDEQ policy to review and issue draft permits to companies in need of a "wake up call?"

RESPONSE:

This statement has been taken out of context. The "DRAFT for Discussion Only TSCA Permit" was for the Wayne Disposal facility, which did not, at that time, have any outstanding compliance issues.

It is the MDEQ's legal responsibility, pursuant to Part 111, to review operating license applications from persons who own or operate a treatment, storage, or disposal facility and are subject to the operating license requirements of Part 111, regardless of their compliance history. Pursuant to R 299.9511, before making a final decision on a operating license application, the director or his or her designee shall prepare a draft operating license and publish a public notice that the draft operating license has been prepared and is available for public comment.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

The MDEQ only issues operating licenses to companies in compliance with Part 111 and its rules. All compliance issues for this facility have been addressed to the satisfaction of the MDEQ.

COMMENT 17:

If EQ has not "awaken" after five years with an operating permit, why does the regulatory agency feel that the next five years will be any different?

I firmly believe the TSCA and RCRA permits should be denied and not renewed due to the following reasons:

WDI/EQ/MDI has a history of repeated violations. They've had fires, spills, constant gaseous odors problems that present unreasonable interference with the comfortable enjoyment of life and property. How can we trust them to take on more responsibility when they can't handle what they have now? They are currently in violation of Michigan Department of Natural Resources Part 9 Emission Limitation and Prohibitions Rule 901. The law states that a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause unreasonable interference with the comfortable enjoyment of life and property.

How many times are "we the people" supposed to put up with these unreasonable interferences with the comfortable enjoyment of our life and property? There needs to be amendments to the laws that says the companies are fined and their licensees should be suspended or terminated if a pattern of non-compliance exists. We need to hold these people accountable don't you think?

RESPONSE:

The MDEQ is aware of MDWTP's past operation of its facility. The MDEQ is requiring more stringent requirements in waste acceptance, analysis, storage, and treatment, and recordkeeping procedures. The MDEQ has also hired a full-time, on-site compliance monitor to inspect the facility more frequently than was done in the past. This allows the MDEQ to closely monitor the facility to help assure compliance with the Part 111 operating license and to quickly take action if the licensee operates its facility in a manner constituting non-compliance.

The MDEQ agrees that companies should be held accountable for demonstrating compliance with the hazardous waste laws. Amending the hazardous waste laws to fine companies and suspend or terminate their license for patterns of non-compliance would require a state or federal legislative action.

COMMENT 18:

With respect to the facility's compliance history, the MDEQ has indicated EQ addresses violations in a timely manner. What is considered a timely manner? Why was the threat of a RCRA permit non-renewal necessary to persuade the MDI facility to comply with its Waste Analysis Plan (WAP)?

RESPONSE:

A timely manner is considered to be a response to the cited violation by the date specified in the violation notice or a later date, approved by the MDEQ. The MDEQ has not threatened a non-renewal to the licensee. The licensee, by its own acknowledgment, realized that the MDEQ could not proceed with reissuing the operating license if there were outstanding facility violations. The licensee has addressed all compliance issues for its facility to the satisfaction of the MDEQ.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

COMMENT 19:

Were any monetary or other penalties assessed with respect to the more recent noncompliance with the WAP for the MDI facility?

RESPONSE:

There were no monetary or other penalties assessed because the licensee was returned to compliance.

COMMENT 20:

My deep concern is that if this company will refuse to comply with test criteria for over five years, where do we as citizens get assurance that they will handle substances that are extremely more hazardous to our health that they will conduct themselves any differently? I do not believe that we can, when they are still not in compliance with standing requirements when they request the opportunity to handle something infinitely more dangerous to us as citizens.

RESPONSE:

In response to public concerns regarding the management of waste at the MDWTP facility, the MDEQ has required several changes to MDWTP's waste analysis plan. For example, the addition of detailed procedures for compatibility testing to determine if the waste can be appropriately and safely treated by MDWTP, the addition of more detailed recordkeeping procedures for wastes, reagents, and combustible materials (packaging) subjected to the treatment processes, and the addition of more detailed procedures for waste pre-approval, receipt, and processing have been added. The waste analysis plan is included in Attachment 1 of the operating license and is an enforceable part of the operating license.

COMMENT 21:

One resident stated that all EQ, MDI, and WDI violations should be included in the record of public comments.

RESPONSE:

A record of the MDWTP and WDI violations were included in each facility's fact sheet on the draft operating license. The fact sheets are available to the public at the Van Buren Township offices, and the Fred C. Fischer Library (both places are located in Belleville) and the MDEQ's Southeast Michigan District and Lansing offices. The fact sheets were also sent to individuals on the initial MDWTP and WDI facility mailing lists and to those persons who requested a copy at the public hearings held on the draft operating licenses.

COMMENT 22:

Many residents, local officials, MCATS, and the Clerk of the Charter Township of Ypsilanti expressed concerns about the facility's history of poor performance and unsatisfactory environmental control mechanisms. Residents and local officials also expressed concerns about improper identification and mixing of materials, spills, leaks, smells, and fires at the facility. MCATS provided a fact sheet summarizing violations by EQ and its affiliated companies as well as a news article summarizing an Envirotech release. MCATS stated that EQ and its affiliated companies have a long history of incompetence evidenced by hundred thousand gallon spills and "toxic clouds." MCATS submitted numerous MDEQ and legal documents supporting its allegations of violations. Residents, the Van Buren Township Director of Community Services and a member of the Community Services Department expressed concerns about fires at the facility, improper identification and mixing of materials, spills, leaks, smells, and fires at the facility. The Washtenaw County Drain Commissioner

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

cited EQ's history of environmental violations in both Washtenaw and Wayne Counties, including a fire and several illegal discharges to surface water.

RESPONSE:

Because of a past incidents in which the licensee failed to follow the approved waste analysis plan and waste treatment procedures, the MDEQ has incorporated into the operating license the revised operating procedures and procedures for waste analysis, acceptance, and processing which were required under the CJ. In response to public concerns over improper waste handling at MDWTP, the MDEQ has also required additional changes to the waste analysis plan. For example, the addition of detailed procedures for compatibility testing to determine if the waste can be appropriately and safely treated by MDWTP, the addition of more detailed recordkeeping procedures for wastes, reagents, and combustible materials (packaging) subjected to the treatment processes, and the addition of more detailed procedures for waste pre-approval, receipt, and processing. The waste analysis plan is included in Attachment 1 of the operating license and is an enforceable part of the operating license.

Also, the MDEQ has hired a full-time, on-site compliance monitor to inspect the facility more frequently than was done in the past. This allows the MDEQ to closely monitor the facility to help assure compliance with the Part 111 operating license and to quickly take action if the licensee operates its facility in a manner constituting non-compliance.

COMMENT 23:

Has MDEQ washed the slate clean of the issues and violations noted on 24 of the last 25 inspections at the facility? What were the hazards identified on any of those inspections?

RESPONSE:

All violations referenced by this comment have been addressed to the satisfaction of the MDEQ. Please refer to the compliance chronology in the facility fact sheet for the hazards identified during those inspections. The facility fact sheet is available for review at the Van Buren Township offices, the Fred C. Fischer Library, and the MDEQ's Southeast Michigan District and Lansing offices.

COMMENT 24:

An MCATS member expressed concern that the EPA, the MDEQ, and the WCAQMD have not taken "real and proper action" against permit violators.

RESPONSE:

The Agencies consider the severity, frequency, and duration of a violation in determining the appropriate enforcement actions. Such actions must be taken within the Agencies' legal authorities.

COMMENT 25:

EQ stated that it is working with MDEQ and the Wayne County Air Quality Division (AQD) to provide documentation of WDI's success in resolving concerns expressed by local residents regarding (1) installation and use of the air monitoring station and the meteorologic station; (2) revision of the waste delivery procedures portion of the application, post-inspection forms, and container management procedures; (3) rejection of the loads procedure update; and (4) the Southeast Container Storage Area schedule.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.2 Compliance History

RESPONSE:

EQ installed an additional air monitoring station on the west side of the facility and the ambient air monitoring program has been updated to reflect the addition of this station. The operating license was modified to include improved waste delivery and on-site waste transport requirements. The operating license was modified to impose more stringent container management procedures such as, requiring containers to be closed at all times except as necessary to add or remove waste, specifying locations at the facility where containers holding treated waste may be stored, and specifying locations at the facility where waste can be treated. A compliance schedule for the SECSA is included in Part VII of the license that specifies the timeframes for the construction of a hazardous waste container storage building at the SECSA and the submittal of a workplan for a groundwater investigation of the upper sand unit at the SECSA and other waste handling areas at the facility.

3.1.3 Human Health & Environmental Hazards

COMMENT 1:

The MDEQ indicates that the facility does not "at this time" present hazard to human health or the environment. This conclusion is based on environmental monitoring of the air, surface water and groundwater conducted at the facility. Unfortunately for the Van Buren Township residents, they do not live in the community only "at the present time," but in fact have been subjected to MDI's operation for 24 hours a day, seven days a week. They lived there during the explosion which closed I-94, during the times when the overfill alarms on the treatment tanks failed to work despite numerous citations and warnings issued by State environmental authorities and posed a threat to the water resource in the area, when the odors permeated the community because MDI did not close the doors of the treatment building, during the six years after MDI failed its stack test when no further testing has been done, etc.

A resident asked why there were multiple occurrences of overfill level alarms being totally out of service or not functioning from March 28 to July 3, 1993. He asked what assurance residents have that hazardous waste was not overflowing into their water supply during this period.

RESPONSE:

The fire at the licensee's facility was caused by a drum of powdered magnesium mixed with benzene being added to other chemicals in the treatment tanks when the mixture burst into flames. The drummed waste was considered non-hazardous waste which is not regulated under Part 111. The fire occurred within the confines of the treatment building. Interstate 94 was closed as a precautionary measure to prevent possible injury to surrounding residents. The odor generated by the burning of that material was the only result from that incident that had the potential to impact to the environment outside of the facility. Most of the damage caused by this incident was sustained by the facility, specifically the treatment building.

On May 26, 1994, the licensee submitted an independent professional engineering certification and supporting documentation that the facility was fit for operation after the fire, including:

- a. that the building is structurally sound,
- b. that all releases and residues have been cleaned up,
- c. that the tanks and secondary containment satisfy the original design requirements of 40 CFR §§264.192 and 264.193, which is adopted by reference in R 299.11003, and
- d. that the processing equipment, air pollution control equipment, and emergency equipment has been cleaned and are fully operational.

After review of this information, the MDEQ allowed the licensee to resume operation of its facility.

During the time period when the overfill alarms for the treatment tanks were malfunctioning, the licensee had no incidences where the tanks were overfilled. The overfill detection system being used at the time was unreliable due to corrosion, heat, and mechanical action from the treatment tanks. The licensee investigated other commercial means of detecting an overfill condition but no manufacturer recommended their product

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

based upon the harsh operating conditions at the facility. Based on the licensee mainly treating solid/sludge materials in the treatment tanks which are located inside a building and the inability to find a reliable overflow alarm device, the licensee proposed operating procedures to prevent overflowing. The procedures require the unloading and loading operations at the treatment tanks be constantly monitored by facility personnel. The procedures have been reviewed and approved by the MDEQ and are included in Attachment 12 of the operating license.

The malfunctioning of the overflow alarms did not pose a threat to the water resource in the area. The unloading and loading operations were constantly monitored by facility personnel. If any spills had occurred, it would have been captured by the secondary containment system and managed either through the waste treatment plant or the on-site wastewater pre-treatment plant.

COMMENT 2:

Review of the air quality data submitted by MDI to the MDEQ, from which the MDEQ claims to have developed their opinion, indicates that the method detection limit for the chromium analysis utilized at the facility is above the Secondary Risk Screening Level (SRS�), which is the 1 in 100,000 additional cancer risk level published by the MDEQ's AQD. Therefore, a determination on the non-hazardous impact of chromium exposure to the local community does not appear to be supported by the analytical data provided at this time.

How can the MDEQ make a determination with respect to human airborne chromium exposure at the facility with the detection limits utilized for the chromium analysis?

Why has the EPA allowed incorporation of a method detection limit for chromium that exceeds the MDEQ-published SRS�, which is the level at which exposure causes an increase in incidence of cancer by 1 in 100,000?

In addition, Attachment 1 indicates that the vinyl chloride detection limit in groundwater is 5 ppb. While the MDEQ published 1 in a 100,000 risk level residential criteria for vinyl chloride is 2 ppb. Therefore, if MDI is utilizing the approved 5 ppb as a detection limit, as per the operating permit, the MDEQ does not have sufficient data to issue an opinion regarding the non-hazardous nature of the site.

How can the MDEQ make a determination with respect to human exposure to vinyl chloride in the groundwater, when the detection limits for vinyl chloride accepted by the MDEQ are above the residential criteria?

RESPONSE:

The SRS� for chromium was established at a concentration below the practical method detection limit for chromium using atomic absorption technology. In addition, the SRS� has not been established as an ambient air regulatory standard.

For detection monitoring, the MDEQ has developed a list identifying the lowest detection levels that can be achieved with any degree of certainty on a routine basis. The MDEQ has determined that the lowest detection level that can be accurately achieved for vinyl chloride is 5 ppb. When vinyl chloride is reported to be present at less than 5 ppb, there is uncertainty whether the value is real or a false positive. The MDEQ's laboratory has been determined through EPA audits to be an excellent laboratory. If the MDEQ's laboratory cannot analyze vinyl chloride with any accuracy below 5 ppb, it is unreasonable to request the licensee to use detection levels

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

below this value. If technology changes and it becomes technically feasible to accurately achieve lower detection levels for vinyl chloride, the licensee will then be required to revise their analytical procedures to incorporate these lower detection levels.

At the time MDEQ reviewed the environmental monitoring data to respond to the question posed, EPA only acknowledged the Type A, Type B, and Type C degrees of cleanup established under Part 201 of Act 451 at RCRA facilities. At that time, MDEQ's authorization by the EPA to administer Michigan's hazardous waste program required the use of those standards when evaluating data collected from MDWTP. The residential cleanup number for vinyl chloride, at that time was a newly promulgated Part 201 standard unrecognized by Michigan's hazardous waste program, and not the correct standard for the licensee to use when evaluating human exposure at MDWTP. Although 5 ppb, the MDEQ accepted MDL for vinyl chloride, is greater than the target MDL specified in the Type B guidance, this number was selected because the MDEQ has determined that this is the lowest level that a laboratory can consistently achieve with any degree of reliability. If technological changes occur that allow the laboratory to reliably achieve a lower detection level, MDWTP will be required to lower the MDL for this parameter.

COMMENT 3:

Why has the MDEQ qualified their statement with "does not at the present time" with respect to hazards to human health or the environment?

RESPONSE:

This statement merely specifies a time frame from which the MDEQ reviewed environmental monitoring data for the facility. The MDEQ can only make an assessment of the data collected from the past up to the present time. The MDEQ can not predict whether future conditions at the facility will pose a hazard to human health or the environment. The operating license requires the licensee to maintain and operate its facility to prevent the possibility of fire, explosion, or any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the environment including air, soil, or waters of the State which could threaten human health or welfare or the environment.

COMMENT 4:

Does the MDEQ anticipate that at some time in the future the facility may pose a hazard to human health and the environment?

RESPONSE:

No. The MDEQ has no reason, based on existing monitoring data and the facility's design and operation, to anticipate that the facility may pose a hazard to human health and the environment.

COMMENT 5:

Does the MDEQ have evidence which indicates that a hazard to human health and the environment, for instance, during and after the explosion in 1994, has previously existed at the facility?

RESPONSE:

No. The MDEQ has no evidence that a threat to human health and the environment actually existed. The MDEQ published a compliance chronology in the fact sheet for the draft license which listed violations

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

discovered by the MDEQ. Some of the violations had potential to pose a hazard to human health and/or the environment so precautionary measures were taken to reduce that potential.

The May 1994 fire incident did not cause an imminent and substantial threat to human health and the environment. The fire at the licensee's facility was caused by a drum of powdered magnesium mixed with benzene being added to other chemicals in the treatment tanks when the mixture burst into flames. The drummed waste was considered non-hazardous waste which is not regulated under Part 111. The fire occurred within the confines of the treatment building. Interstate 94 was closed as a precautionary measure to prevent possible injury to surrounding residents. The odor generated by the burning of that material was the only result from that incident that had the potential to impact to the environment outside of the facility. Most of the damage caused by this incident was sustained by the facility, specifically the treatment building.

COMMENT 6:

Review of the report entitled Overview of Operation, Closure and Environmental Monitoring at the Former MDI Waste Processing Facility dated January 7, 1992 and prepared by NTH Consultants, indicates that several VOCs were detected in the ambient air monitoring stations from August 1985 - March 1990. Table 6.4 of this report indicates the ranges of concentrations that were detected in the ambient air samples and compares these concentration with the Occupational Safety and Health Administration (OSHA) permissible exposure limits (PELs).

Comparison of the concentrations detected with the OSHA PELs is not legitimate because the PELs are not applicable to the population at risk. The residents surrounding the former and current MDI processing facility are not workers exposed to these concentrations only for eight hours per day. Neither are these people solely the healthy adult male population that the OSHA PEL's were intended to address. Rather, the Van Buren Township residents are children, housewives, retirees, etc. that are exposed to the organic vapors on a much more continuous and concentrated basis than a simple eight hour worker exposure scenario. Table 1, Comparison of Organic Vapor Concentrations Detected at MDI from August 1985 - March 1990 with the SRSLS indicates that many of the concentrations exceed the MDEQ developed one in a million risk level (SRSLS) concentrations derived for ambient air for the compounds.

Although this data was collected from the former MDI facility, it indicates that overexposure to carcinogens has occurred in this area, with the approval of the MDEQ and the EPA. The current monitoring program proposed for the RCRA and TSCA permits does not seem to offer any additional protection against this same type of occurrence.

Table 1
Comparison of Organic Vapor Concentrations Detected at MDI
from August 1985 - March 1990 with the SRSLS.

<u>Parameter Detected (ug/m³)</u>	<u>Concentration Range (ug/m³)</u>	<u>SRSLS</u>
1,1,1 - Trichloroethane	20 - 8,100	0.6*
1,1,2,2-Tetrachloroethane	<0.02 - 310	17
1,2 - Dichloroethane	87 - 2,100	0.4
1,2 - Dichloropropane	90 - 570	4

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

Table 1-Continued

1,3 - Dichlorobenzene	1 - 339	1.4**
Benzene	0.1 - 4000	1
Bromoform	2 - 110	9
Carbon Tetrachloride	0.04 - 2,700	0.4
Chlorobenzene	0.1 - 86	NA
Chloroform	1.7 - 590	4
Ethylbenzene	0.1 - 780	1,000
Methylene Chloride	0.7 - 1,200	20
Tetrachloroethene	0.4 - 5	17
Toluene	0.1 - 1,000	400
Trichloroethene	35 - 2,500	6

Notes:

* This value is for 1,1,2 Trichloroethane

**This value is for 1,4 Dichlorobenzene

NA indicates not available.

What assurances do the residents of Van Buren Township have at this time that the overexposures which occurred between 1985 and 1990 will not recur?

RESPONSE:

The information presented in Table 1 does not indicate that overexposures occurred between 1985 and 1990. The SRSs are concentrations derived from risk assessment calculations and are intended to be used for air dispersion modeling. The WCAQMD uses the SRSs for comparison purposes only. It is not appropriate to use SRS concentrations as short-term exposure acceptable ambient concentrations (AACs). The AACs for the compounds listed in Table 1 are being developed.

COMMENT 7:

Has the EPA or the MDEQ tabulated the 1990-1995 organic and inorganic data in this manner to determine if a health risk exists?

RESPONSE:

Neither agency has tabulated the 1990 - 1995 organic and inorganic air monitoring data to determine potential health risks. Evaluation of ambient air monitoring data for the Wayne County area would be performed by the WCAQMD. The WCAQMD does not use SRS concentrations as short-term exposure AACs. The AACs for the compounds identified in Table 1 of Comment 6 in this section are being developed.

COMMENT 8:

With the collection of air quality data every sixth day and the submission of the data approximately 60 days following collection, how does the EPA and the MDEQ propose to continuously monitor the health of the residents?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

RESPONSE:

Due to the distance between the property line and the active area of operation and the variation of meteorological conditions, there is no practical method available to provide reliable real time measurements of ambient air contaminants generated at this facility. At this time, the WCAQMD can only rely on the data generated from the 6-day monitoring events to monitor any risks to the health of the residents.

COMMENT 9:

How will the EPA and the MDEQ "stop" an event that occurred 60 days ago?

RESPONSE:

It is correct that the Agencies can't stop an event after it has happened. But the on-site compliance monitor provides for quicker intervention in operational problems and that six-day monitoring cycle allows for shorter response time. If, based on the monitoring data, a release has occurred 60 days ago, appropriate corrective actions and enforcement actions, if necessary, will be taken.

COMMENT 10:

How will the MDEQ and the EPA ensure that Van Buren Township residents are not exposed to carcinogens in excess of the ambient air criteria on a daily basis?

RESPONSE:

The Agencies and the WCAQMD will review the ambient air monitoring data on a monthly basis as it is submitted and, if the data indicates a trend or pattern of increased concentrations of monitoring parameters, the appropriate corrective action will be required of the facility.

COMMENT 11:

Page 71 of C-1 of the Environmental Assessment indicates that the most notable potential impacts of air quality by the proposed operations would be odors and fugitive dust. The report indicates the waste themselves have odors and the lime mixing process generates odors. The report indicates that at the time of publication (1/31/95), it was difficult to assess the public reaction to odors. This report should be amended prior to license issuance. With the reporting of 200 or more air quality complaints in Van Buren Township in the last year, it does not seem difficult at the present time to assess the public reaction to odors.

Will the regulatory agency require amending of the environmental assessment report and the conclusions developed from the outdated information prior to issuance of the RCRA license renewals? If not, how can the regulatory agency ensure that the conclusions made in the report submitted reflect current operations and conditions at the facility? If so, will the regulatory agency consider the updated conclusions in its decision as to whether renewal of the license is justified?

RESPONSE:

The MDEQ is well aware of the public's reaction to odors that are potentially emitted from the facility. The environmental assessment provided in the renewal application does not need to be amended to highlight an observation that the MDEQ is already aware of. The MDEQ has conducted several inspections of the licensee's facility during the operating license renewal process to review and compare the actual facility operations to the written descriptions provided in the license renewal application.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

COMMENT 12:

In Section 5.0 of the Environmental Assessment on C-1 page 76 entitled Unavoidable Adverse Impacts, the primary unavoidable aspects of the EQ operation are identified as aesthetics, air quality and land use. The report further states "The generation of odor episodes and fugitive dust from the daily operation of the facility will affect the air quality and aesthetics of the surrounding area."

In effect, EPA and MDEQ have conceded that the residents of Van Buren Township, Belleville and Ypsilanti Township will continue to experience "adverse impacts" in line with the facility's previous operational history. At the public hearing, the regulatory agencies were treated to dozens of property owners complaining of being unable to use their homes and property due to the numerous "odor episodes" resulting from the facility's operation. The regulatory agencies charged with protecting the public health and the environment have sentenced the neighboring residents to suffer the continuing insults upon their person, their facilities and property. Is there any wonder why the hundreds of participants exhibited so much frustration and anger at the officials who they believe are there to ensure that their health and enjoyment of property are safeguarded?

RESPONSE:

The MDEQ is aware of the frustration and anger the public exhibited at the public hearing. In response to public concerns, the MDEQ has revised the operating license to require the licensee to operate the facility in a manner that minimizes, if not eliminate, odors emanating from the facility. Specifically, the operating license requires: 1) all containers storing waste remain close at all times except when necessary to sample or remove waste; 2) emissions from treated waste be controlled with a permitted air pollution control system; 3) all vehicles transporting waste remain covered at all times except when sampling, loading, or unloading; 4) containers of treated hazardous waste to be stored in the treatment building, the NCSA or the SECSA until such time as the waste is removed for retreatment or disposal off-site; 5) buildings equipped with air pollution control equipment appropriate for the proposed operations be constructed for the SECSA and NCSA prior to the licensee storing open containers of treated waste; 6) during waste processing, no more than one overhead door remain open at a time; 7) treated waste loads must be covered in the treatment building prior to the load being transported from the treatment building; and 8) the licensee must develop and document the use of the approved procedures to evaluate and minimize odors from loaded containers of treated waste prior to removal from the treatment building..

Also, EQ has installed a thermal oxidizer on the east side of the treatment building to control air emissions from processing waste with high VOC content. The new air treatment system includes four collection hoods where emissions are captured and routed through a bag house to remove particulates. Air is then blown into the thermal oxidation unit, where VOCs are destroyed at extremely high temperatures. Effluent from the air treatment system is routed through a quencher and caustic scrubber prior to exiting the treatment building through the stack. To properly operate the thermal oxidizer and maintain a negative pressure on the treatment building, EQ has altered the building to construct a vestibule. The vestibule allows the doors of the building to remain closed during loading, unloading, and treatment operations thus further minimizing emissions to the atmosphere. Waste with high VOC content will only be processed on the east side of the treatment building.

COMMENT 13:

What method did the regulatory agency utilize to determine that this unavoidable affect on air quality and aesthetics in the area were negated by the benefits offered the Van Buren Township residents and/or the general

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

population by the presence of the EQ facility? Please provide detailed and quantitative data that supports the method utilized to make this determination.

RESPONSE:

The MDEQ has not made a determination that adverse impacts to air quality, aesthetics, and land use in the area are negated by the benefits offered by the presence of the EQ facility in the community. As previously stated, the MDEQ has imposed stricter requirements on the licensee's operation in an effort to minimize, if not eliminate, odors emanating from the facility. Also, EQ has installed a new air treatment system to thermally destroy odorous VOC emissions before they leave the treatment building through the stack. Please refer to the response provided for Comment 12 in this section.

COMMENT 14:

What compensation will the regulatory agency provide to Van Buren Township residents for their decision to relicense this facility, even though the regulatory agency knew that the air quality and aesthetics of the area would be impacted?

RESPONSE:

The renewed license imposes stricter requirements on the licensee's operations to minimize, if not eliminate, odors emanating from the facility, and to be protective of human health and the environment.

COMMENT 15:

Why does the regulatory agency intend, with full knowledge, to subject the Van Buren Township residents to conditions which at the applicant's own admission are "unavoidable adverse impacts?"

RESPONSE:

It is not the MDEQ's intent to subject the Van Buren Township residents to any conditions that may be harmful to their health, welfare, or safety. The MDEQ has issued a license that requires improved operations at its facility with the intent to eliminate the adverse impacts and be even more protective of human health, welfare, safety, and the environment.

COMMENT 16:

A resident expressed concern about the accumulation of drums, including leaking drums, that takes place at the facility.

RESPONSE:

The operating license allows the facility to store drums in specified container storage areas for not more than a year prior to treatment of its contents on-site or shipment off-site to another facility. The container storage areas are equipped with secondary containment systems and, if any leaks occur, they will be captured by this system. The license also requires the facility to inspect the drums on a daily basis to identify any drums not in good condition or leaking and transfer the contents of that drum to a container that is in good condition, place the container of concern into an overpack container, or can otherwise manage the waste in compliance with the conditions of the license.

COMMENT 17:

An environmental scientist stated that the applications are deficient in important, required information such as

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

an environmental impact statement, a failure mode assessment, and a risk assessment.

RESPONSE:

The application contained the necessary information for the MDEQ to make a determination on the facility's compliance with the Part 111 requirements. It should be noted that this facility was in existence prior to the hazardous waste regulations and has been licensed to conduct this activity since the inception of those regulations.

COMMENT 18:

It has come to my attention as a Van Buren Township resident that your MDEQ is reviewing permit applications for storage of toxic PCBs at a site in Van Buren Township. This gives me cause for grave concern because we are talking about a company that has an ongoing record of non-compliance with regard to safety requirements already in place on their existing storage and disposal of waste material. Now we are informed that they are requesting permits that will allow them the same opportunity to mismanage material that poses significantly higher public health and safety risks.

To use as examples just a few of their blatant disregards for public health and safety violations, this company failed emission stack testing in 1990, they have not as yet corrected this problem and instead have requested higher stack emission criteria that would allow them to pass testing. I cannot even begin to count how many times in the past several years we as residents have been impacted by noxious odors that have been ejected into the air, several times strong enough to drive us from our pool and into our home where we have had to shut our windows and sit inside in the heat of the day to escape the odor. My home is approximately 4 miles from this site and still we get these odors this strong.

RESPONSE:

In response to the licensee's past compliance history, the MDEQ has hired a full-time, on-site compliance monitor to inspect the facility more frequently than was done in the past. This allows the MDEQ to closely monitor the facility to help assure compliance with the Part 111 operating license and to quickly take action if the licensee operates its facility in a manner constituting non-compliance.

In response to public concerns regarding the odors coming from the operation of this facility, the MDEQ and the WCAQMD have modified the operating license and the air permit, respectively, to impose stricter requirements on the facility to minimize odors emanating from the facility.

The MDEQ modified its operating license to require: 1) all containers storing waste remain close at all times except when necessary to sample or remove waste; 2) emissions from treated waste be controlled with a permitted air pollution control system; 3) all vehicles transporting waste remain covered at all times except when sampling, loading, or unloading; 4) containers of treated hazardous waste to be stored in the treatment building, the NCSA or the SECSA until such time as the waste is removed to retreatment or disposal off-site; 5) buildings equipped with air pollution control equipment appropriate for the proposed operations be constructed for the SECSA and NCSA prior to the licensee storing open containers of treated waste; 6) during waste processing, no more than one overhead door remain open at a time; 7) treated waste loads must be covered in the treatment building prior to the load being transported from the treatment building; and 8) the licensee must

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

develop and document the use of the approved procedures to evaluate and minimize odors from loaded containers of treated waste prior to removal from the treatment building.

The WCAQMD also modified its draft air permit for MDWTP based on public comments they received during their public participation process for the draft air permit to address the odor issues. The air permit issued in July 1997: 1) requires stricter stack testing; 2) prohibits MDWTP from accepting certain wastes that may emit odors if processed; 3) limits the amount of emissions from each waste treatment process; 4) requires operation of the air pollution control equipment when waste is stored or treated in the treatment building; 5) limits the amount of VOC content in wastes accepted by the MDWTP; 6) requires MDWTP to keep all overhead doors, except one, of the treatment building closed during waste processing; and 7) limits the amount of odor emissions from the waste treatment processes. The WCAQMD has since then modified the July 1997 permit to reflect the use of new air pollution control equipment, the thermal oxidizer, on the east side of the treatment building. All other requirements in the air permit remained essentially the same. MDWTP installed this equipment to control air emissions from processing waste with high VOC content. Please refer to the response provided for Comment 12 in this section.

COMMENT 19:

A resident expressed concern that this area was selected for storing carbamate wastes. He stated that these wastes can depress immune systems in mice, even at 1 part per billion, and that other types of carbamate can cause liver damage, prevent chickens from laying eggs, and cause bone disease.

RESPONSE:

Carbamates are synthetic chemicals which are used in the production of pesticides, synthetic rubber, and urethane polymers. The EPA is aware of certain data which indicates that some commercial carbamate pesticides have been shown to exhibit toxic effects in experimental animals at relatively low doses. Based on this information, the EPA has determined that there is adequate reason for concern about controlling human exposure to these chemicals. The EPA has responded to this concern by issuing a regulation known as the "Carbamate Rule" (Federal Register, Vol. 60, No. 27, Feb. 9, 1995). This regulation instituted new requirements for the classification and handling of wastes generated during the production of carbamate chemicals. The primary new requirements are: 1) six types of waste streams generated during the production of carbamates are now listed as hazardous wastes; and 2) 58 specific chemicals associated with the production of carbamates have been added to the list of commercial chemical products that must be handled as hazardous wastes when they are discarded.

In the case of MDWTP, the facility could receive wastes which would contain relatively small amounts of pure carbamates as well as other chemicals (e.g., organic solvents) which are by-products from carbamate production. In order to comply with the Carbamate Rule and to control the potential release of hazardous chemical constituents from the carbamate wastes, certain conditions will be imposed through the State operating permit and the Federal RCRA permit. These conditions can be summarized as follows: 1) all carbamate wastes which are listed hazardous wastes must be received in closed containers and stored in closed containers until on-site treatment is performed; 2) treatment of all listed hazardous carbamate wastes must be performed in an enclosed building; 3) the building used for treatment of carbamate wastes must be equipped with the appropriate air pollution control devices; 4) treated waste loads must be recovered in the treatment building prior to transport from the building; and 5) two chemical constituents which are indicator compounds for carbamate wastes (methyl ethyl ketone, and total xylenes) are included in the ambient air monitoring program. (Also, see

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

the response to Comment 12 in Section 3.1.3 and Comment 28 in Section 3.3.1.)

COMMENT 20:

Two residents stated that their rights were violated when a fire broke out at the facility and they were not informed.

RESPONSE:

The MDWTP facility license contains conditions and a contingency plan that lists the facility's requirements for notifying the local fire department and emergency response teams if a fire occurs at the facility. The MDEQ has investigated this and determined that these requirements were followed during the reported fire incident.

COMMENT 21:

Several residents complained that facility odors have made them ill and stated that their ailments included headaches, breathing difficulties, nausea, burning eyes and throats, and allergies. School students attending North Middle School complained about strong, garbage-smelling odors. A school student stated that she became sick at school in 1995 as a result of the facility odors.

RESPONSE:

The Agencies are aware of complaints about objectionable odors emanating from the MDWTP facility. The Agencies also recognize that the presence of foul odors is a nuisance which should be investigated and eliminated. The facility has reviewed its operating procedures to determine where and how changes can be made that will minimize the release of objectionable odors. In response to public concerns, the MDEQ has revised the operating license to require the facility to perform certain operations in a manner that will minimize the release of odors. (See the response to Comment 12 in this section.)

COMMENT 22:

The Director of the Economic Development Corporation of Van Buren Township who lives across the expressway from the facility, stated that the air continues to be polluted by the facility. The Van Buren Township Supervisor recalled that the facility had been closed because of "noxious" emissions that "endanger our residents' lives." In addition, one resident expressed concern that her son's asthma problem is a direct result of the air pollution caused by WDI.

RESPONSE:

Air pollution could originate from several sources including industrial sites, utility plants, and mobile sources such as autos, trucks and buses. The Agencies are aware of complaints and possible occurrences of foul odors emanating from the facility. The WCAQMD has taken measures to investigate and address these complaints. However, there is no evidence to suggest that "life threatening" emissions of chemicals are associated with foul odors that may have been released from the facility. The MDEQ has also addressed the measures taken to eliminate or reduce emissions from the MDWTP facility. (See responses to Comment 1 in Section 3.2.1 and Comment 12 in Section 3.1.3.)

In regard to the resident who expressed concern about asthma, there is general agreement among medical and scientific specialists that certain air pollutants (ozone, sulfur dioxide, smoke) could contribute to asthma symptoms and the severity of asthma episodes. However, asthma is one of those health conditions which is recognized as being "multifactorial." This means that the prevalence and severity of asthma is caused by the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

interaction of a number of different factors. For example, genetic factors may cause the appearance of asthma in childhood, but asthma can be complicated by sensitization to a wide variety of factors including certain air pollutants, respiratory infections, and even exposures to factors present in the household. Household exposures can also induce or complicate asthma episodes and affect asthma severity. These exposures can include cigarette smoke, dust mites, animal dander, and tree pollen. Consequently, it is difficult to determine if emissions from MDWTP could be the cause of a particular asthma case without investigating other possible causes. If local air pollution in a given area is high enough to induce asthma symptoms in sensitive individuals, the incidence rate of asthma in the area may be elevated by a noticeable amount. However, in the absence of information or data to indicate that asthma rates in a given area are higher than the norm, it is difficult to attribute the occurrence of a particular asthma case to a single point source such as the MDWTP facility. If asthma rates are above the norm in the vicinity of the MDWTP facility, this would not prove that emissions from MDWTP were the cause. But this situation could signal the need for further investigation.

COMMENT 23:

A resident expressed concern that fumes from wastes will ignite and explode.

Several residents stated concerns about serious accidents at the facility and ways the community was or would be affected by them, including evacuation of residents.

RESPONSE:

If there is an unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents at the facility, MDWTP must activate their contingency plan. The licensee has a contingency plan which is included in Attachment 4 of the operating license. In case of an emergency, the facility is equipped with emergency equipment such as fire extinguishers, spill control equipment, communications and alarm systems, and decontamination equipment. The licensee has made arrangements with local fire departments, police, hospitals, and state and local emergency response teams to coordinate emergency services. These entities have been made familiar with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances and exits to the facility, internal roads, and possible evacuation routes.

COMMENT 24:

Residents stated that they are concerned about the effects that the air pollution accompanying the facility odors will have on them.

RESPONSE:

The Agencies are aware of complaints about objectionable odors emanating from the MDWTP facility. In evaluating this situation, it should be recognized that the odor associated with a specific chemical is an intrinsic property of the chemical, and is not by itself an indicator that a chemical is toxic or is present in the atmosphere at a concentration which will induce short-term or long-term toxic effects. This situation can exist because individual chemicals often have a lower concentration threshold for inducing a detectable odor compared to the concentration which will induce toxic effects. Consequently, the detection of a foul odor is not sufficient evidence to conclude that a hazardous chemical is present at a level which will induce a serious adverse health effect during a short-term exposure. However, the Agencies recognize that the presence of foul odors is a nuisance which should be investigated and rectified. Also, the presence of foul odors could be an indicator that releases of volatile chemicals could be occurring from certain process operations, and that these operations may

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.3 Human Health Risk and Environmental Hazards

need to be modified or discontinued.

COMMENT 25:

The Charter Township of Van Buren expressed disagreement with the advantages and disadvantages of continued operations at MDI discussed in the application's environmental assessment.

RESPONSE:

The information provided in the environmental assessment of the application and the environmental monitoring that has been conducted at this facility since 1982 has provided the MDEQ with the necessary information to address the impact that operation of this facility has had on the local environment.

3.1.4 Draft License

COMMENT 1:

Table of Contents-Attachments to the License

Substantial portions of the programs which actually require performance by EQ are found in various attachments which are referenced throughout the text. Include a table listing the license attachments showing revision number and date of current approved version.

RESPONSE:

The MDEQ feels this is unnecessary since the final operating license attachments are formatted with footers showing revision number and date of current approved version. No changes have been made as a result of this comment.

COMMENT 2:

Table of Contents-Part VII: Schedule of Compliance. According to the text on page 51, this part is intended to include two items:

Conditions for upgrading the SECSA and conditions for expanding the groundwater monitoring program to include this area.

It is our understanding that EQ's submittal of proposed plans can follow the issuance of the operating license at a later date.

RESPONSE:

On May 22, 1996, the MDEQ provided the licensee a copy of the draft conditions for Part VII of the operating license. However, those conditions were developed prior to the licensee's disclosure to construct a building for the SECSA. Condition VII.A. of the draft license has been modified to include a schedule for submitting engineering plans and a construction schedule for the SECSA.

COMMENT 3:

Condition I.E.9.(a). At the close of the paragraph, insert the following phrase to ensure that EQ and its contract lab organizations adapt to the new methods and standards as soon as they become effective by law: "A change to this paragraph of the license to adopt the revised methods of SW 846 or equivalent method will be considered a minor modification to the license."

RESPONSE:

The promulgation of revised methods of SW-846 or equivalent methods will be done at the federal level pursuant to the RCRA authority. New RCRA regulations take effect in Michigan only after Michigan adopts those regulations into their hazardous waste management program. After Michigan adopts the revised test methods in the publication entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846" (SW-846) or equivalent methods into their hazardous waste management program, the licensee will be required to comply with the new methods and may adopt them as a minor modification pursuant to R 299.9519(5)(b)(i) of the hazardous waste management rules. No changes have been made to this condition as a result of this comment.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

COMMENT 4:

Condition I.E.9.(f). Recordkeeping and information management is addressed in numerous places in the license. The way the recordkeeping requirements are presented in the license is confusing and, perhaps, contradictory. The MDEQ needs to combine recordkeeping requirements together into one section.

Replace all other sections where recordkeeping is discussed with this one section. For example, delete Section II.M.4. Also delete Section II.R.7. When all recordkeeping is listed in one place, these sections are redundant and unnecessary.

RESPONSE:

The recordkeeping requirements presented in the operating license is consistent with Part 111 of Act 451 and the rules (R 299.9101 - R 299.11107) promulgated pursuant to that part and the RCRA regulations. The recordkeeping and reporting requirements are listed in Condition II.L.

COMMENT 5:

It is not reasonable to expect hard copies of chromatographs from all testing and measurement instruments to be retained by EQ where analytical testing for environmental monitoring is the responsibility of the third party laboratories who utilize and interpret such data then report numerical results to EQ along with supporting QA/QC documentation. The third party lab retains such records as are necessary to defend their findings. Delete paragraph I.E.9.(f) and utilize list above (provided by EQ) to enumerate specific recordkeeping requirements.

RESPONSE:

Pursuant to R 299.9521(1)(a), all operating licenses shall contain all of the general conditions contained in the provisions of Title 40, Code of Federal Regulations (CFR), Part 270, Section 30 (40 CFR §270.30), except paragraph (1). Condition I.E.9.(f) incorporates the requirements of 40 CFR 270.30(j)(2) verbatim. In order to maintain consistency with the Part 111 rules and RCRA, Condition I.E.9.(f) cannot be modified to delete any of the records requirements. For purposes of clarification, this condition requires the licensee to retain records of monitoring information generated by the third party laboratories only when the laboratory performs analytical testing for the licensee. No changes have been as a result of this comment.

COMMENT 6:

Condition I.E.10. The procedure for minor modification to the license has been established in the regulatory framework of Part 111 of Act 451 to encourage facilities to frequently upgrade their operations. When a minor modification approved by the MDEQ is put in place by EQ, the full implementation should be reviewed on the next quarterly inspection by the MDEQ's field inspector. The certification and inspection of such projects prior to use unnecessarily and excessively restricts the licensee from putting improved facilities and processes into use. Start off the sentence in paragraph c) with the words "Except for approved minor modifications,..."

RESPONSE:

Prior to approving any modification to an operating license, the MDEQ must ensure that information subject to approval is factual and accurate. This is best accomplished by inspecting the project. Inspecting the project prior to use may prevent the licensee from implementing changes not allowed by

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

governing regulations. The MDEQ does not agree that inspection of such projects prior to use unnecessarily and excessively restricts the licensee from putting improved facilities and processes into use. No changes have been made as a result of this comment.

COMMENT 7:

Condition I.E.12. Timing of the approval of the license to the new owner becomes a critical factor in sale and transfer of a TSDF. At a certain point, the buyer must have a high degree of assurance that the approval will be granted by the MDEQ to move forward. Neither of the parties to the transaction nor the MDEQ wants any disruption of service to the customers during the period of transition. Can the new draft license be issued to the buyer on a date such as May 1 and contain a language which makes the new license effective (and terminates prior licenses) on a later such as June 30 if, in the interim, the buyer provides the necessary mechanism(s) of financial assurance for closure, pollution liability insurance and other specified information to the MDEQ and the EPA?

RESPONSE:

Pursuant to R 299.9522, a license may be transferred by the licensee to a new owner or operator only if the license has been modified pursuant to the provisions of R 299.9519(3) or a minor modification made pursuant to the provisions of R 299.9519(5) to identify the new licensee and incorporate such other requirements as may be necessary pursuant to the provisions of Part 111 and its rules. The existing license for the facility remains in effect, even though the licensee will change, until its expiration date. A new license for the facility will not be issued. The existing license will be modified to acknowledge the new ownership or operation of the facility to another person. The modified license is effective on the date the MDEQ approves it. On that date, the new owner or operator becomes the licensee and must comply with all of the requirements of Part 111 and its rules and with the stipulations of previous operating licenses, construction permits, or other agreements entered into by the previous owner or operator and the MDEQ.

COMMENT 8:

Condition I.F. The QA/QC Plan is a document cataloging and incorporating a wide range of information. To burden the Plan with full text of each method in use is not realistic. Instead we suggest the plan be required to reference the appropriate method in each case. In the second sentence insert the language shown in *italics* to clarify that the whole text of the method does not appear in the plan: "The QA/QC Plan shall at a minimum include citations which reference the current, appropriate written procedures..."

RESPONSE:

Condition I.F. requires the licensee to follow Chapter 1 in the SW-846 publication for guidance to prepare the QA/QC plan. Chapter 1, Section 4.3.4, requires a QA/QC plan to include procedures for test methods describing how the analyses are actually performed in the laboratory. A simple reference to standard methods is not sufficient, unless the analysis is performed exactly as described in the published methods. No changes have been made as a result of this comment.

COMMENT 9:

At the close of the paragraph, insert the following phrase to ensure that EQ and its contract lab organizations adapt to the new methods and standards as soon as they become effective by law: "A

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

change to this paragraph of the license to adopt the revised methods of SW-846 or equivalent method will be considered a minor modification to the license."

RESPONSE:

Please refer to the response provided for Comment 3 in this section.

COMMENT 10:

Condition I.I. To clarify meaning and direct the reader to useful information, the first sentence should be preceded with the phrase: "Except for the submittal of mechanisms for Financial Assurance (which are explained in Part II.N), when the due date or deadline for..."

Delete the second sentence regarding financial mechanisms and start a new paragraph with the sentence beginning "The licensee may request extension..."

RESPONSE:

The MDEQ determined that the existing language to be adequate and no change was warranted.

COMMENT 11:

Condition II.J.1. All recordkeeping requirements should be listed in one place in the license. For a summary of comments regarding recordkeeping, see Comment 3 above.

RESPONSE:

Please refer to the response provided for Comment 4 in this section.

COMMENT 12:

Condition II.J.4. Form modification should be revised to clarify that a change to a form is a minor modification as defined in the Part 111 rules to Act 451. Delete the first sentence and insert: "Changes by the licensee to forms contained in the attachments to this license will be considered minor modifications to the license as defined in the Part 111 rules to Act 451."

RESPONSE:

Changing a form contained in the attachments to the license is considered a minor modification that requires prior MDEQ approval. The license attachments are considered an enforceable part of the license. Any changes that may affect the license's enforceability must be reviewed and approved by the MDEQ. No changes have been made as a result of this comment.

COMMENT 13:

Condition II.K.2. In Amendments to Closure Plan, delete the phrase "and all other necessary approvals have been obtained." If other approvals are required, please specify them rather than making a general statement.

RESPONSE:

Since the MDEQ can't predict the nature of any future changes to the facility which may affect the closure plan, nor the applicable regulations governing those changes, the MDEQ feels that this statement

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

facilitates the licensee's awareness of their responsibility to comply with all applicable state and federal requirements.

COMMENT 14:

Condition II.K.4. Replace the phrase "shall remove from the site all hazardous waste" with the phrase "shall properly dispose of all hazardous waste stored at the facility." The sentence as it currently stands can be misconstrued.

RESPONSE:

The phrase "shall remove from the site all hazardous waste" is consistent with the regulatory language in 40 CFR §264.113, which is adopted by reference in the Part 111 rules. The phrase should be kept in context with the entire sentence which indicates that removal of the waste must be performed in accordance with the approved closure plan. The closure plan contains provisions for the proper disposal of the waste. No changes have been made as a result of this comment.

COMMENT 15:

Condition II.L.2. To establish the definitive anniversary date for adjusting closure estimates, revise the first sentence in paragraph 2 to read: "...the licensee shall adjust the closure cost estimates for inflation within 60 days prior to the anniversary of the 1996 date establishing the financial instruments to demonstrate financial assurance for closure...". For clarity, start a new paragraph with the sentence "Whenever the current cost estimates increase to an amount greater...".

RESPONSE:

A definitive date for adjusting closure estimates has been established as 60 days prior to the date of the establishment of the financial mechanism. This timeframe is consistent with the Part 111 rules and RCRA. Revising this condition as specified by the comment would require the licensee to adjust the cost estimate by a date that may not be applicable to future mechanisms, thereby rendering the license condition, and some of the MDEQ's powers to enforce this requirement, useless. No changes have been made as a result of this comment.

COMMENT 16:

Condition II.M. The third sentence in paragraph 1 explains that renewals, extensions or increases to the amount of assurance need no prior approval from the MDEQ. This is fitting as the financial mechanisms in place are written in such a way that they automatically renew on the anniversary date. In each of these cases, the outcome is a new mechanism of equal or greater value. The presumption that no prior approval from the MDEQ is required is rebutted by contradictory requirements in paragraphs 2 (first sentence) and 3 (first sentence). It appears that all of paragraph 2 could be deleted. In paragraph 3 delete the phrase "approved by the Chief of the Waste Management Division."

RESPONSE:

Conditions II.M.2. and II.M.3. are consistent with the requirements of R 299.9704 through R 299.9709, and thereby cannot be deleted or modified.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

COMMENT 17:

To establish the definitive anniversary date for renewal of EQ's Financial Assurance mechanisms, revise the last sentence in this paragraph to read: "The licensee shall provide the Chief of the Waste Management Division with a signed original of all revisions and renewals within 60 days after such revision or renewal, by the applicable deadlines specified in R 299.9704 through R 299.9709 and prior to the anniversary of the 1996 date establishing the financial mechanisms to satisfy the requirements of this condition."

RESPONSE:

Please refer to the response provided for Comment 15 in this section.

COMMENT 18:

Condition II.P. In the last sentence, replace the phrase "by March 1 of each even numbered year" with the phrase "by the deadline established for submittal by USEPA."

RESPONSE:

Condition II.P. became Condition II.L.2 during revisions to the operating license boilerplate. R 299.9610(1) requires owners or operators to prepare and submit a single copy of a biennial report to the Regional Administrator by March 1 of each even numbered year. However, the Part 111 rules are currently being modified to require the biennial report be submitted to the Chief of the Waste Management Division. In order to maintain consistency with the Part 111 rules, Condition II.L.2 cannot be modified to change the due date for the report. If, at a later date, the biennial report is required to be submitted by a different due date, the licensee may put into effect a minor license modification pursuant to the provisions of R 299.9519. No changes have been made as a result of this comment. A change was made to require the biennial report be submitted to Chief of the Waste Management Division.

COMMENT 19:

Condition II.Q. The Land Disposal Restrictions (LDR) were established by the USEPA to ensure that, prior to placement into a RCRA Subtitle C Landfill, the hazardous constituent levels in waste are below prescribed levels. Otherwise it first must be treated to reduce the levels of hazardous waste constituents in the waste or extract of the waste. For example, paragraph 3 requires that the licensee shall test any waste or an extract of the waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.

To clarify the actual steps which must be taken by EQ to comply with applicable LDR standards, insert the words "after treatment" into paragraphs 4 and 5 as follows:

"4. For restricted wastes with treatment standards expressed as concentrations in the waste extract, the licensee shall after treatment test an extract of the waste or waste treatment residue to ensure that the extract of the waste or waste treatment residue meets the applicable treatment standards of 40 CFR Part 268."

"5. For restricted wastes with treatment standards expressed as concentrations in the waste, the licensee shall after treatment test the waste or waste treatment residue to ensure that the waste or waste treatment residue meets the applicable treatment standards of 40 CFR Part 268."

RESPONSE:

Condition II.Q. became Condition II.R during revisions to the operating license boilerplate. The concept of "after treatment" is already included in the phrase "waste treatment residue." A waste may already meet the LDR standards without needing treatment. In that case, an extract of the waste must be tested to determine if the waste meets the LDR standards or if the waste needs to be treated to LDR standards. If treatment is necessary, then a residual from the treated waste must be tested to ensure it meets the applicable treatment standards of 40 CFR Part 268. No changes have been made as a result of this comment.

COMMENT 20:

Condition II.S. It is important that the MDEQ recognize that during transportation, the condition of waste containers and whether they are covered and the physical movement of the vehicle is outside the control of MDI. For example, we can make it clear to transporters that they are to use Rawsonville Road exit and that they are not to park on the service drive, but we cannot, in fact, control whether they do so. Therefore, we cannot be held responsible for that which we cannot control, namely, wastes still in the cycle of transportation.

"Licensee will provide a written notification to the transportation companies regularly frequenting the facilities that:

- a) wastes shipped to the facility must be placed into closed containers or covered during transportation. The structural integrity of the waste containers must prevent leakage while in transit.*
- b) all trucks transporting hazardous waste to or from the facility shall use Rawsonville Road to enter and exit the facility,*
- c) trucks Transporting hazardous waste to or from the facility shall not park or stand on the North I-94 Service Drive" and*
- d) following sampling at the facility, the trailer shall be retarped and shall remain tarped while waiting to be emptied.*

RESPONSE:

The MDEQ agrees that the licensee is not responsible for transport of waste prior to its arrival at the facility. Condition II.S. became Condition II.T. during revisions to the operating license boilerplate. Condition II.T. was revised to require the licensee to notify the transportation companies frequenting the site of their responsibility to comply with the hazardous waste transportation requirements. The condition also requires the licensee to make sure that all containerized waste is closed or covered after arriving at the facility except for during sampling or visual inspection.

COMMENT 21:

Condition III.D. When the waste arrives at the facility it is already in the containers. EQ works to remove waste from containers. Delete this section.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

RESPONSE:

Section F-1 of the application states that the licensee bulk and consolidate containerized wastes in vertical tanks or roll-off boxes. Based on these activities, this condition is applicable to the facility. This condition prohibits the licensee from placing bulked and consolidated waste into a container that may be incompatible with the waste. No changes have been made to this condition as a result of this comment.

COMMENT 22:

The existing license for MDI indicates on Part V (page 23 of 35) that several pieces of equipment are regulated by the Wayne County Health Department, Air Pollution Control Division (WCAPCD). In addition, this section incorporates that WCAPCD permit conditions into the operating license.

Why doesn't the proposed license for MDI incorporate the most current WCAPCD permit, as well as the general conditions of the permit?

RESPONSE:

The air permit is incorporated by virtue of rule R 299.9602(1)(b) into the operating license. Conditions III.K. and IV.J. of the draft license contain the same regulatory language as R 299.9602(1)(b) and require the licensee to operate the containers and tank systems at the facility in a manner that will prevent air emissions in violation of Part 55, Air Pollution Control, of Act 451 (Part 55). Since the air permit conditions are based on the requirements of Part 55, any violations of the air permit would probably be a violation of Part 55 and thereby a violation of the Part 111 license.

COMMENT 23:

Does incorporation of the WCAPCD permit conditions into the RCRA permit allow enforcement action to be taken for air quality violations through both WMD and AQD of the MDEQ?

RESPONSE:

Violations of the permits issued by the WCAQMD would probably constitute a violation of Part 55 and a violation of this Part is a violation of the Part 111 operating license. The MDEQ has authority to take enforcement actions against any person found in violation of a Part 111 operating license.

COMMENT 24:

Does violation of the air quality permit general conditions incorporated into the RCRA constitute a violation of the RCRA permit for which operations could be temporarily halted at the facility until compliance is again achieved?

RESPONSE:

Pursuant to Section 11148 of Part 111, the director shall upon receipt of information that the storage, transportation, treatment, or disposal of hazardous waste may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment, and after consultation with the director of public health or a designated representative of the director of public health, issue an order directing the owner or operator of the treatment, storage, or disposal facility, the generator, the transporter, or the custodian of the hazardous waste which constitutes the hazard, to take the steps necessary to prevent the act or eliminate the practice which constitutes the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

hazard. The order may include permanent or temporary cessation of the operation of a treatment, storage, or disposal facility, generator, or transporter.

Operations at a treatment, storage, or disposal facility may be permanently or temporarily halted if a determination is made by the director that activities occurring at the facility presents an imminent and substantial hazard to the health of persons or to the natural resources, or endangers or causes damage to public health or the environment. If the air quality violation meets the criteria specified in section 11148 of Part 111, the director may issue an order permanently or temporarily halting regulated activities the facility until the corrective action is achieved.

COMMENT 25:

Do incorporation of the WCAQMD permit conditions into the RCRA permit require the applicant to submit a minor and/or major RCRA permit modification to the WMD to alter control equipment or install additional processes? If so, since the processes at the facility have been altered significantly since the last permit issuance, has MDI been issued a violation with stipulated penalties for not doing so?

RESPONSE:

No. Condition V.B.5. of the existing license prohibits the licensee from reconstructing, altering, modifying, expanding, or relocating the emission sources unless plans, specifications, and an application for an installation permit are submitted to and approved by the WCAQMD. The conditions of the air permit are incorporated into the existing operating license. The conditions were written to require that any changes to equipment or processes regulated by the WCAQMD be approved by the WCAQMD prior to implementing the changes.

COMMENT 26:

Since the WCAPCD air quality conditions are incorporated into the current RCRA permit and stack testing to prove compliance with the conditions has not been performed, does the WMD of the MDEQ share in the lack of responsiveness to the residents air quality complaints at this facility?

RESPONSE:

The WMD and the WCAQMD have tried to be responsive to the residents' air quality complaints. In response to residents complaints, the WMD has modified the operating license to impose stricter requirements on the licensee's operations to minimize, if not eliminate, odors emanating from the facility. Specifically, the operating license requires: 1) all containers storing waste remain close at all times except when necessary to sample or remove waste; 2) emissions from treated waste be controlled with a permitted air pollution control system; 3) all vehicles transporting waste remain covered at all times except when sampling, loading, or unloading; 4) containers of treated hazardous waste to be stored in the treatment building, the NCSA or the SECSA until such time as the waste is removed for re-treatment or disposal off-site; 5) buildings equipped with air pollution control equipment appropriate for the proposed operations be constructed for the SECSA and NCSA prior to the licensee storing open containers of treated waste; 6) during waste processing, no more than one overhead door remain open at a time; 7) treated waste loads must be covered in the treatment building prior to the load being transported from the treatment building; and 8) the licensee must develop and document the use of the approved procedures to evaluate and minimize odors from loaded containers of treated waste prior to removal from the treatment building. Furthermore, the WMD proponed a final decision in order to further consider air/odor concerns

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

expressed by the public and to await the WCAQMD's decision on a resolution to outstanding issues regarding the facility's air permit. Since the air issues were resolved with the entry of the WCAQMD's consent order, the WMD has proceeded with the issuance of the license.

The WCAQMD also modified its draft air permit for MDWTP based on public comments received during the public participation process for the draft air permit. A stricter stack testing requirement was included in the new air permit, issued July 1997. Also, the air permit prohibits MDWTP from accepting certain wastes that may emit odors if processed, limits the amount of emissions from each waste treatment process, requires operation of the air pollution control equipment when waste is stored or treated in the treatment building, limits the amount of VOC content in wastes accepted by the MDWTP, requires MDWTP to keep all overhead doors, except one, of the treatment building closed during waste processing and limits the amount of odor emissions from the waste treatment processes. The WCAQMD has since then modified the July 1997 permit to reflect the use of new air pollution control equipment, the thermal oxidizer, on the east side of the treatment building. All other requirements in the air permit remained essentially the same. MDWTP installed this equipment to control air emissions from processing waste with high VOC content. Please refer to the response provided for Comment 12 in section 3.1.3.

The WCAQMD air permit conditions are based on Part 55 of Act 451 requirements. A violation of the Part 55 of Act 451 requirement constitutes a violation of the operating license.

COMMENT 27:

Has the WMD received any written detailed reports as required by Item 10 in the general conditions of Part V of the permit?

RESPONSE:

Condition V.B.10 of the existing license requires the licensee to provide notification of any abnormal conditions or malfunction of process or control equipment covered by this license, resulting in emissions in violation of the WCAQMD requirements or of any air permit conditions for more than two hours, to the Enforcement Section of the WCAQMD. Such notice shall be made as soon as reasonably possible, but not later than 9:00 a.m. of the next working day. The licensee shall also, within 10 days, submit to the WCAQMD Enforcement Section and to the Chief of the WMD, a written detailed report, including probable causes, duration of violation, remedial action taken, and the steps which are being undertaken to prevent a reoccurrence.

The WMD has not received any written report pursuant to Condition V.B.10 of the existing because the licensee did not have to submit one.

COMMENT 28:

Why does the draft RCRA renewal permit for MDI incorporate a WAP that describes, and thereby approves, the very operations that MDEQ indicated were a violation of the former permit?

RESPONSE:

This comment refers to two violations: 1) the licensee not performing post treatment testing of microencapsulated waste and 2) storing treated waste off of the facility footprint. The existing operating

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.4 Summary of Revisions to Draft Permit

license conditions were developed in accordance with the applicable provisions of the January 15, 1989 rules under Part 111. Those rules did not contain treatment standards for hazardous debris (e.g., microencapsulation). Michigan's hazardous waste laws adopted the treatment standards for hazardous debris on October 15, 1996. Since the promulgation process is lengthy, it was appropriate for the licensee to include those treatment technologies in the renewal application since those treatment technologies were included in the draft rules package awaiting promulgation.

The second item refers basically to storage of treated waste in the SECSA. This unit is not permitted under the existing license. Pursuant to Condition I.B. of the existing license, any treatment, storage, or disposal of hazardous waste not specifically authorized in the license is prohibited. The licensee obtained interim status for the SECSA on March 15, 1995 by filing Part A of their permit application. Any applicant that files a Part A application must submit Part B of the permit application within six months of the date the State Director or Regional Administrator request it or the applicant may submit it voluntarily. Since the licensee was entering the licensing renewal process for other regulated units at the facility, it was determined that it would be more efficient to include the new unit in one Part B renewal application than submitting two separate Part B applications (one for the existing units and one for the newly regulated unit).

COMMENT 29:

A technical consultant for Van Buren Township stated that the MDEQ's AQD established ambient air risk levels but that the MDEQ is unwilling to incorporate these levels into the site monitoring program in order to make exceedance of the levels a permit violation.

RESPONSE:

Please refer to the response provided for Comment 6 in Section 3.1.3.

3.1.5 Other Issues

COMMENT 1:

How many hazardous waste facilities in the United States have experienced an incident which resulted in a \$500,000 civil penalty?

Which of the facilities which received the \$500,000 civil penalty were granted a license renewal within 24 months?

Which of these facilities had another explosive event within a five-year time period?

RESPONSE:

The MDEQ does not track such information for hazardous waste facilities in the United States.

COMMENT 2:

How many other items has the MDEQ identified that MDI has not updated or revised to reflect current operations for the permit renewal?

RESPONSE:

Some documents were identified as deficient during the technical review of the operating license application. However, those items were revised and resubmitted to the MDEQ.

COMMENT 3:

Van Buren Township has raised numerous vital issues which should result in a denial of an operating license for MDI. The MDEQ should deny the operating license because the facility does not meet minimum regulatory requirements and does not operate in such a manner as to protect public health and the environment. At the very least, the applicants' own data and the MDEQ's documents require the regulators of this facility to take a hard look as to its continued operation. Operation at this facility must not continue absent significant modification necessary to protect the public health and the environment.

RESPONSE:

The MDEQ has modified the operating license to imposed stricter requirements on the licensee in an effort to eliminate odors emanating from the facility, improve waste handling and management, and the overall operation of the facility.

The licensee has been substantially in compliance with its operating license. The incidents of noncompliance, although significant, do not justify a denial of its operating license based on Rule R 299.9518.

R 299.9518 Operating License denial states:

- 1) *The Director shall deny an application for an operating license if the operation of the treatment, storage, or disposal facility for which the license is sought will violate Part 111 or its rules.*

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.5 Summary of Revisions to Draft Permit

- 2) *The applicant is on notice that, in addition to any other of these rules, the director shall deny an operating license application if any of the following occur:*
- a) *Notwithstanding the receipt of the certification of construction required by section 22(3) of the act, the facility has not been constructed according to the plans approved by the director, the requirements of the act or these rules, or the stipulations and conditions of the approved construction permit.*
 - b) *The existing construction or operation of an existing facility or facility newly subjected to the licensing requirements of the act and these rules presents a hazard to the public health or the environment.*
 - c) *The applicant has not submitted sufficiently detailed or accurate information to enable the director to make reasonable judgments as to whether the license should be granted.*
- 3) *The criteria specified for license revocation pursuant to the provisions of R 299.9519 are causes for denial of an operating license renewal application.*

COMMENT 4:

Since the main advantage listed for continuing operations at the current level is listed as safe processing and disposal of liquids and sludges generated in the metro Detroit area, would the EPA and/or the MDEQ consider limiting MDI's ability to accept waste from outside of a 90 mile radius of the Detroit metropolitan area?

RESPONSE:

The Agencies do not have the authority under the hazardous waste regulations to geographically limit the sources of waste that can be accepted at this facility.

COMMENT 5:

Can the regulatory agency provide any legitimate, tangible, advantages to Van Buren Township residents which would justify continuing operations at the facility at the current level?

RESPONSE:

The licensee has made some operational mistakes in the past, however, the licensee has been responsive in making changes to its operating procedures and facility to prevent future occurrences of non-compliance. The MDEQ has hired a full-time, on-site compliance monitor to inspect the facility more frequently than the facility is currently being inspected. This close interaction with the licensee gives the MDEQ the ability to intervene more quickly if the licensee operates its facility in a manner constituting non-compliance with the operating license, and Part 111 and its rules.

COMMENT 6:

The following entities are opposed to the RCRA license application renewal of EQ and have drafted resolutions to that effect:

- Charter Township of Van Buren Resolution 96-11
- Charter Township of Augusta Resolution 96-11

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.5 Summary of Revisions to Draft Permit

- The City of Belleville Resolution 96-027
- The City of Romulus Resolution 96-162
- The Township of Sumpter Resolution 96-10
- The Charter Township of Superior
- The Charter Township of Ypsilanti Resolution 96-8
- The Van Buren Public Schools Board of Education
- The City of Milan Resolution 96-15
- The Council for the City of Belleville

RESPONSE:

The MDEQ is aware of the extent of opposition to the licensee's operating license renewal application. However, the MDEQ must comply with the criterion set forth in R 299.9518 concerning whether or not to issue an operating license. That criterion is provided as in the response to Comment 3 in this section.

COMMENT 7:

The daily report of cell construction activities for June 17, 1989, attached as Exhibit H, reveals the presence of a thick rust color dust covering the liner and statements indicating that this dust was emanating from the electric arc furnace at the MDI facility. Due to the amount of electric dust present on the liner, the liner was washed prior to commencement of cell construction activities. The facility's operators decision to wash the liner indicates that with their knowledge of the Michigan Disposal electric arc furnace process, the operators believed that impacts were present which may affect the quality of subsequent Wayne Disposal sample events.

Doesn't the information contained in this Daily Report constitute a release from the MDI facility?

RESPONSE:

An electric arc furnace has never been operated at MDWTP. However, electric arc furnace dust may have been stored in one of MDWTP's storage silos prior to treatment. Individuals on-site at the time of the incident may have speculated that the dust was electric arc furnace dust emanating from MDWTP. But the MDEQ was not on-site at the time of the incident and was not able to confirm that it actually constituted a release.

The facility's decision to wash the secondary liner was a precautionary measure to prevent any potential contaminants from migrating into the leak detection system. Metal contaminants are typically associated with electric arc furnace dust. However, metals contaminants have not been detected in the leak detection monitoring.

COMMENT 8:

What enforcement action was taken against the facility's operators for this release?

RESPONSE:

No enforcement action was taken because the MDEQ was not able to confirm that a release from the facility actually occurred.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.5 Summary of Revisions to Draft Permit

COMMENT 9:

Was surface soil sampling required at the MDI and WDI facilities after this documented release?

RESPONSE:

No soil sampling was required because the MDEQ was not able to confirm that a release from the facility actually occurred.

COMMENT 10:

Was any of this electric arc furnace dust carried off onto adjacent properties?

RESPONSE:

Please refer to the response provided for Comment 9 in this section.

COMMENT 11:

Were off-site properties evaluated?

RESPONSE:

Please refer to the response provided for Comment 9 in this section.

COMMENT 12:

"How can leaks be detected since the detection alarms have been out of service since March 28, 1993?"

RESPONSE:

The MDEQ assumes that the comment refers to the overfill alarms for the treatment tanks. Overfilling of the treatment tanks (which are open-top in-ground tanks) can be easily detected since facility personnel constantly monitor the loading and unloading operations to ensure against overfilling and the maintenance of adequate freeboard. During the time when the alarms were out of service, there were no incidents of overfilling.

COMMENT 13:

Residents expressed concern about the knowledge of EQ and local fire officials with regard to handling of materials and operations in the event of an emergency. One resident stated that "EQ already had a fire and another disaster is too great to allow for the storage of large quantities of a highly carcinogenic substance near a large population."

RESPONSE:

The licensee has a contingency plan which is included in Attachment 4 of the operating license. In case of an emergency, the facility is equipped with emergency equipment such as fire extinguishers, spill control equipment, communications and alarm systems, and decontamination equipment. The licensee has made arrangements with local fire departments, police, hospitals, and state and local emergency response teams to coordinate emergency services. These entities have been made familiar with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances and exits to the facility, internal roads, and possible evacuation routes.

3.1.6 Summary of Revisions to Draft License

The draft license was revised to incorporate the latest version of the MDEQ's Part 111 hazardous waste operating license boilerplate language. The boilerplate was revised to address the changes made to the Part 111 administrative rules that became effective on October 15, 1996 and to streamline and consolidate the operating license conditions.

CONDITION:

NAME OF TITLEHOLDER OF LAND

CHANGE:

The name of the titleholder of land was changed from "Ford Motor Company" to "Wayne Disposal, Incorporated". This change reflects the MDEQ's July 7, 1998 approval of EQ's May 29, 1998 request to modify the operating license to reflect the transfer of property ownership from "Ford Motor Company" to "Wayne Disposal, Incorporated".

CONDITION:

APPLICABLE REGULATIONS

CHANGE:

The applicable provisions of the rules, effective "October 15, 1996" was deleted and replaced with "September 22, 1998." This change reflects the adoption of new Part 111 Administrative Rules effective September 22, 1998 prior to the final administrative disposition of the draft license. Pursuant to R 299.9519, this is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

I.I. SUBMITTAL DUE DATES AND DEADLINES

CHANGE:

This condition was renumbered to Condition I.G. and revised to clarify that the extensions granted in this condition are only applicable to the submission of certain documents required under the license except for financial assurance documents. Pursuant to R 299.9519, this is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

II.C. GENERAL WASTE ANALYSIS

CHANGE:

Condition II.C.1.(a) - (e) were added to modify some sections in the waste analysis plan. Such changes require the licensee to: 1) record all combustible containers, supports, and packaging not integral to waste or reagent packaging added to the batch treatment process be recorded on the batch ticket; 2) conduct compatibility testing; 3) use US EPA SW-846 sampling techniques; 4) use disposable sampling

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

equipment or properly decontaminate reusable sampling equipment between samplings; and 5) submit a compatibility workplan to MDEQ for review and approval. These changes are necessary for preventing adverse reactions from occurring in the treatment tanks during waste processing.

Condition II.C.1.(f) was added to change references from the Michigan Department of Natural Resources to the Michigan Department of Environmental Quality. This change was necessary to identify the appropriate agency responsible for oversight of the waste analysis plan.

Condition II.C.1.(g) was added to insure MDWTP will treat debris requiring treatment to waste-specific treatment standards are treated to those standards. This change was necessary to insure compliance with appropriate Part 111 treatment standards for hazardous debris.

Condition II.C.1.(h) was added to require transhipped waste to be received under a valid MDWTP approval and management will comply with MDWTP's WAP. This change was necessary to insure compliance with the waste analysis plan for all waste received at the facility.

Condition II.C.1.(i) was added to clarify MDWTP's acceptance of waste designated as "D003" waste residues. This change was necessary because MDWTP is not authorized to store or treat reactive waste but they may accept deactivated reactive waste. Some states require generators to list all codes that apply to a waste be included on the manifest. In some cases, deactivated reactive waste may carry the "D003" waste code. In order to allow MDWTP to accept such deactivated reactive waste, this condition allows them to list "(D003) Deactivated Waste in the WAP and Attachment 8 of the license as an acceptable waste code.

Condition II.C.1.(j) was added to delete the "001D" and "003D" waste codes. This change was necessary because these waste are no longer regulated as hazardous waste under the Part 111 rules.

Condition II.C.1.(k) was added to delete the "Aroclors 1016, 1221, 1232, 1242, 1254, 1260" waste codes. This change was necessary because MDWTP is not authorized under the Part 111 license to manage PCB waste.

Condition II.C.2. was added to allow the licensee to revise the waste analysis plan to incorporate the modifications specified in Condition II.C.1.(a) – (k) of the Part 111 license and any other modifications that are not less stringent the approved waste analysis plan. This change allows MDWTP to modify the waste analysis plan without a major license modification.

Pursuant to R 299.9519, this is a minor modification that the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

II.S.2. AIR EMISSIONS STANDARDS

CHANGE:

Condition II.S.2 was added to reflect the state's adoption of the Subpart CC air emission standards in R 299.9634 of the Part 111 administrative rules that took effect on September 22, 1998. Since the state

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

has not received final authorization from the U.S. EPA for these requirements, the U.S. EPA is also regulating equipment subject to Subpart CC requirements in its RCRA permit. Pursuant to R 299.9519, this is a minor modification that the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

II.S.3. AIR EMISSIONS STANDARDS

CHANGE:

This condition was added to help facilitate the licensee's operation of its facility in a manner that minimizes odors emanating from the facility. This condition requires the licensee to operate its facility in a manner that minimizes odors emanating from the facility and that prevents odors which violates Part 55 of Act 451 and the rules promulgated pursuant to that part. A violation of Part 55 and its rules, including the issuance of a Violation Notice by Wayne County Department of Environment or MDEQ Air Quality Division is specified to be a violation of the operating license. The licensee will be required to take steps necessary to investigate the operations that caused the complaint, eliminate the odor source, prevent a recurrence, and complete such additional steps as the Chief of the WMD determines are necessary to prevent recurrence of the odor. Pursuant to R 299.9519, this is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

II.S. HAZARDOUS WASTE DELIVERY REQUIREMENTS

CHANGE:

This condition was renumbered to Condition II.T. Conditions II.S.1 and II.S.2 were consolidated into Condition II.T.2. and revised to require the licensee to notify the transportation companies frequenting the site of their responsibility to comply with the hazardous waste transportation requirements.

Condition II.T.3. was added to require that all vehicles remain covered at all times except during sampling, loading, or unloading. The vehicles in question shall only be uncovered no more than 15 minutes before such activities, and shall be covered no more than 15 minutes after such activities. This condition also helps minimize odors emanating from the facility.

Condition II.T.4. was added to require adequate access to any portion of the facility to allow unobstructed movement of personnel and equipment in case of an emergency.

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

II.U. GENERAL HOUSEKEEPING

CHANGE:

Condition II.U.1. was added to require trucks with visible contamination on its exterior to be decontaminated prior to exiting the site.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

Condition II.U.2. was added to require the licensee to remove spilled or leaked waste in areas other than the secondary containment areas for the hazardous waste management units.

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

III.A. COVERAGE OF LICENSE

CHANGE:

This condition was modified to specify 264,300 gallons as the total volume of hazardous waste that may be stored at the facility and to delete the distinction made between state regulated hazardous waste and federally regulated carbamate waste. Michigan adopted the carbamate waste codes into state law on October 15, 1996. Based on this adoption, Michigan has the authority to regulate the management of carbamate wastes as well as any other hazardous waste defined as such under Part 111.

Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

III.B. WASTE IDENTIFICATION AND QUANTITY

CHANGE:

Condition III.B.1. was modified to specify 264,300 gallons as the total volume of hazardous waste that may be stored at the facility and to delete the distinction made between state regulated hazardous waste and federally regulated carbamate waste. Michigan adopted the carbamate waste codes into state law on October 15, 1996. Based on this adoption, Michigan has the authority to regulate the management of carbamate wastes as well as any other hazardous waste defined as such under Part 111.

This condition was also modified to include a conversion factor for converting a unit of liquid measure (gallon) to a unit of weight (pounds). Some materials are measure by pounds instead of gallons and this conversion factor will provide a standard by which compliance with the maximum allowable volume can be demonstrated.

Conditions III.B.2. and III.B.3 were modified to allow the licensee more flexibility in container storage configurations and the ability to store waste in containers other than a 55-gallon drum by specifying the term "container equivalents". The licensee is still required to maintain appropriate aisle spacing and to comply with other the container management requirements in the operating license and Part 111.

Condition III.B.4. was modified to allow the licensee to temporarily store a maximum of 11,000 gallons or 200, 55-gallon container equivalents of untreated waste or 500 cubic yards of treated waste in the west and east treatment bays. Untreated waste is stored in these areas for the purpose of preparation for opening and final disposal of wastes into the treatment tanks. Treated waste stored in these areas are awaiting analytical results to determine whether the waste needs re-treatment or may be disposal off-site.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

The maximum allowable volume capacity and the size of the containers were specified because storage occurs in containers other than 55-gallons drums. These areas are equipped with air pollution control equipment. Any emissions from the storage of these containers will be captured by that equipment instead of being emitted to the atmosphere.

Condition III.B.6. was deleted to avoid dual state and federal regulation of the storage of PCB waste. The licensee has not applied to the EPA for authorization to store PCB waste at MDWTP. Until such time as the licensee receives written approval from the EPA pursuant to the federal TSCA, the storage of PCB waste is prohibited at the MDWTP facility. Since the MDEQ does not regulate PCB storage under Part 111, the authorization for this activity must be granted by the EPA. Condition III.B.6 was replaced by a condition to specify to maximum storage capacity for the SECSA.

Condition III.B.7. was renumbered to Condition III.C. and revised to specify that placement of hazardous debris into a macroencapsulation unit must occur in the treatment building under the confines of the air pollution control equipment. This location allows any potential emissions from that treatment process to be captured by the air pollution control equipment.

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

III.E. MANAGEMENT OF CONTAINERS

CHANGE:

This condition was renumbered to III.F.

Condition III.F.5. was added to prohibit the licensee from storing liquid hazardous waste in the SECSA until the hazardous waste container storage building is constructed, which will provide adequate secondary containment for the storage of liquids.

Condition III.F.6. was added to require the licensee to store containers of treated hazardous and decharacterized waste that meet land disposal restrictions standards in the treatment building, NCSA, and the SECSA until such time as the waste is removed for re-treatment or disposal off-site. In the past, the licensee has removed treated waste from the treatment tanks prior to receiving analytical results confirming that the appropriate treatment standards had been met for that waste.

The licensee's assumption was that waste exiting the treatment process was non-hazardous without any analytical data to confirm the assumption. The waste was subsequently managed as non-hazardous by being placed in non-licensed areas. But there is a percentage of treated waste that requires retreatment based on the analytical data. The inclusion of this condition was an effort by the MDEQ to prevent the licensee from managing post treated waste as non-hazardous until proven as such by analytical data. Condition VII of the license which is incorporated by reference in this condition requires the licensee to construct hazardous waste container storage buildings with air pollution controls appropriate for the proposed operations at the NCSA and the SECSA. By requiring treated waste to be stored in these

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

locations, any potential emissions from such storage will be captured by the air pollution control equipment, thus further minimizing odors emanating from the facility.

This condition also requires the licensee to develop and follow the approved odor evaluation and minimization standard operational procedure prior to transferring treated waste from the treatment building. The licensee must document the use of this procedure in the facility operating record.

This condition also defines the term "decharacterized waste" pursuant to Part 111.

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

III.H.4. SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTES

CHANGE:

This condition was modified to allow the licensee to store or treat deactivated reactive waste in tank systems at the facility. Deactivated reactive waste does not exhibit the characteristic of reactivity as defined in R 299.9212.

CONDITION:

III.H.6. SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES OR MATERIALS

CHANGE:

This condition was modified to allow storage of ignitable waste to occur in the SECSA in addition to the East Container Storage Area. Storage in the SECSA is however prohibited until the building is constructed.

CONDITION:

III.I. DISPOSITION OF ACCUMULATED LIQUIDS

CHANGE:

The title was changed to "Disposition of Accumulated Liquids and Solids" to more accurately reflect the types of materials handled at the facility. Also, the condition was modified to require the licensee to remove liquids and pumpable solids from the containment system within 24 hours of detection. Non-pumpable solids shall be removed every 60 days. For high precipitation conditions, where removal cannot be completed within 24 hours, removal of the spilled or leaked waste and accumulated precipitation must begin within 24 hours of detection and continue until that removal is complete. Removed spilled and leaked waste and accumulated waste must be managed in accordance with Part 111. Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

III.K. CONTAINER MANAGEMENT SYSTEM

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

CHANGE:

This condition was deleted for accuracy. The licensee has no plans to install a container management system. The licensee uses a container crushing implement attached to a backhoe to open hard to empty drums.

CONDITION:

**III.K. COMPLIANCE WITH AIR EMISSION AND WASTE MANAGEMENT REQUIREMENTS
FOR STORAGE IN CONTAINERS**

CHANGE:

This condition was added to require the licensee to operate the facility in a manner that will prevent air emissions in violation of Part 55, Air Pollution Control, of Act 451.

CONDITION:

IV.B. WASTE IDENTIFICATION AND QUANTITY

CHANGE:

Condition IV.B.1. was modified to include a conversion factor for converting a unit of liquid measure (gallon) to a unit of weight (pounds). Some materials received at the facility are measured by pounds instead of gallons and this conversion factor will provide a standard by which compliance with the maximum allowable volume can be demonstrated.

Condition IV.B.7. was deleted to avoid dual state and federal regulation of PCB storage. The licensee has not applied to the U.S. EPA for authorization to store PCB waste at MDWTP. Until such time as the licensee receives written approval from the U.S. EPA pursuant to the federal TSCA, the storage of PCB waste is prohibited at the MDWTP facility. Since the MDEQ does not regulate PCB storage under Part 111, the authorization for this activity must be granted by the U.S. EPA.

Pursuant to R 299.9519, the modification to Condition IV.B.1 is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

IV.C. WASTE TREATMENT CAPACITY AND METHODS

CHANGE:

Condition IV.C.1. was modified to identify the pugmill mixers #14 and #15 as tanks where treatment also occurs.

Condition IV.C.4. was deleted to avoid dual state and federal regulation of the storage of PCB waste. The licensee has not applied to the U.S. EPA for authorization to store PCB waste at MDWTP. Until such time as the licensee receives written approval from the U.S. EPA pursuant to the federal TSCA, the storage of PCB waste is prohibited at the MDWTP facility. Since the MDEQ does not regulate PCB storage under Part 111, the authorization for this activity must be granted by the U.S. EPA.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

Condition IV.C.5. was added to require the licensee to keep the doors of the treatment building closed during waste processing, except as necessary to maintain a negative static pressure in the treatment building and to operate the air pollution control equipment when waste is stored or treated in the treatment building, except during equipment malfunctions and routine maintenance. This condition also requires the waste processing to cease if the air pollution control equipment is malfunctioning or not operating due to routine maintenance. The inclusion of this condition was an effort by the MDEQ to help facilitate the licensee's operation of its facility in a manner that minimizes odors emanating from the facility.

Condition IV.C.6. was added to require the licensee to cover treated waste loads in the treatment building prior to the load being transported from the treatment building. The inclusion of this condition was an effort by the MDEQ to help facilitate the licensee's operation of its facility in a manner that minimizes odors emanating from the facility.

Condition IV.C.7. was added to require the licensee not to mix waste during treatment in such a manner that the fire suppression system is damaged or made ineffective. The licensee has installed a fire suppression system that, in the event of a fire in either of the treatment tanks, vertically discharges a fire retardant liquid from a pipe affixed to the wall behind the tanks. The liquid flows until it completely covers the waste and then turns into a foam which suffocates the fire.

The pipe outlet is situated about two feet above the edge height of the tank. If waste is mixed in such a manner that the mixture exceeds the height of the pipe outlet, the liquid discharged from the pipe will be ineffective in extinguishing a fire occurring in that tank. The liquid must be able to cover the burning waste to suffocate it.

Condition IV.C.8. was added to require the treatment of hazardous waste be completed within the confines of the treatment building and to specify that emissions from treated waste be controlled with a permitted air pollution control system. The licensee must also evaluate containers of treated waste by the approved standard operational procedures for odor evaluation and minimization prior to removal from the treatment building. The inclusion of this condition was an effort by the MDEQ to help facilitate the licensee's operation of its facility in a manner that minimizes odors emanating from the facility. By requiring treatment to be completed in the treatment building equipped with air pollution controls, it allows any potential emissions generated from waste processing and curing to be captured by air pollution control equipment and not be emitted to the atmosphere.

Condition IV.C.9 was added to require the licensee to develop standard operational procedures to evaluate and minimize odors emanating from loaded containers of treated hazardous or decharacterized waste prior to removal from the treatment building. These procedures must be submitted to the MDEQ for review and approval. The licensee must document the use of these procedures in the facility operating record. The inclusion of this condition was an effort by the MDEQ to minimize odors from the transport of loaded containers of treated hazardous or decharacterized waste. This documentation will aid in formulating and running treatment operations to minimize odors to the environment. If the waste is kept in the treatment building until the completion of waste treatment, emissions from the treated waste, when transported from the treatment building, will be minimal, if any.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

IV.G. PROHIBITION ON STORING OR TREATING IGNITABLE OR REACTIVE WASTES OR MATERIALS

CHANGE:

This condition was modified to allow the licensee to store or treat deactivated reactive waste in tank systems at the facility. Deactivated reactive waste does not exhibit the characteristic of reactivity as defined in R 299.9212.

CONDITION:

IV.J. DISPOSITION OF LIQUIDS ACCUMULATED IN CONTAINMENT SYSTEM

CHANGE:

This condition was renumbered to IV.I. and the title was changed to "Disposition of Accumulated Liquids and Solids" to more accurately reflect the types of waste handled at the facility. Also, the condition was modified to require that spilled or leaked waste and accumulated precipitation be removed from the tank systems within 24 hours of detection. Non-pumpable solids shall be removed every 60 days. For high precipitation conditions, where removal cannot be completed with 24 hours, removal of the spilled or leaked waste and accumulated precipitation must begin within 24 hours of detection and continue until that removal is complete. Removed spilled and leaked waste and accumulated precipitation shall be managed in accordance with the requirements of Part 111 of Act 451.

Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

IV.J. COMPLIANCE WITH AIR EMISSIONS AND WASTE MANAGEMENT REQUIREMENTS FOR STORAGE AND TREATMENT IN TANK SYSTEMS

CHANGE:

This condition was added to require the licensee to operate the facility in a manner that will prevent air emissions in violation of Part 55, Air Pollution Control, of Act 451.

CONDITION:

V.B. AMBIENT AIR MONITORING PROGRAM

CHANGE:

This condition was added to require the licensee to modify the ambient air monitoring program within 30 days of issuance of the Wayne Disposal, Incorporated Consent Order to be consistent with the applicable provisions of the Consent Order. This condition was necessary to maintain consistency between the facilities' ambient air monitoring programs.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

CONDITION:

VI.C. CORRECTIVE ACTION CONDITIONS

CHANGE:

Conditions were added to identify six existing waste management units (WMU) at the facility. The WMUs are the former Michigan Disposal Waste Processing Facility, former Lagoon A and Stormwater Retention Basin, former Lagoon B, former Lagoon C, the existing MDWTP, and the SECSA. Initially, the DEQ and EPA assumed that the existing MDWTP was sitting on top of a closed Wayne Disposal landfill cell and that corrective action required for the plant would be covered under Wayne Disposal's corrective action program. Staff later confirmed that the existing plant, which was moved from another location on the property, is not located on a closed cell. Therefore, to require corrective action for the existing plant, it was added to the license as an existing WMU. The Southeast Container Storage area was added to the license as an exiting WMU because its a newly regulated unit subject to corrective action.

No further action will be required for the former processing facility. The MDEQ reviewed and acceptance the closure certification for that unit in September 1999. Corrective action for the existing MDWTP and the SECSA may be required when those units undergo final closure. Corrective action may be required for the former Lagoons and Stormwater Retention Basin. The MDEQ acknowledges the receipt of the January 7, 1992 report detailing the closure activities for these units. The report is under review. No final determination regarding the status of these units has been made at the time this operating license was issued. Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

VI.D.1 RCRA FACILITY INVESTIGATION

CHANGE:

This condition was renumbered VI.E.1 and modified to require the submittal of the RFI workplan to the Chief of the Waste Management Division for review and approval 60 days after the final closure of the existing MDWTP and the SECSA. Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:

VI.K. SUMMARY OF CORRECTIVE ACTION SUBMITTALS

CHANGE:

An entry was added to the table to require the submittal of a RFI workplan for the existing WMUs and contaminant releases within 60 days after the final closure of the existing MDWTP and the SECSA. Pursuant to R 299.9519, this change is a minor modification which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

CONDITION:

VII. SCHEDULE OF COMPLIANCE

CHANGE:

Condition VII.A.1 prohibits the licensee from storing untreated hazardous waste, treated hazardous waste, or decharacterized waste meeting land disposal restrictions in the SECSA until written approval is received by the Chief of the Waste Management Division. This condition also prohibits the licensee from storing treated hazardous or decharacterized waste meeting land disposal restrictions in the NCSA until written approval is received by the Chief of the Waste Management Division. This condition was added to clarify the type of waste that may be stored in the SECSA and NCSA.

Condition VII.A.2. requires the submittal of conceptual plans for the construction of the hazardous waste container storage buildings to be located at the NCSA and the SECSA within 60 days of the issuance of the license. The buildings must be designed with air pollution control devices appropriate for the proposed operations. These plans must be submitted to the Waste Management and Air Quality Divisions. The inclusion of this condition is in response to complaints from the community regarding odors emanating from the facility. By requiring treated waste to be stored in buildings with appropriate air pollution control equipment, any potential emissions from such storage will be captured by that equipment and not emitted into the atmosphere.

Condition VII.A.3.requires the licensee to obtain all necessary approvals for MDEQ Waste Management Division and Air Quality Division, if required under Part 55 of Act 451 and its rules for the proposed operations, prior to conducting operations in the buildings.

Condition VII.A.4. requires the licensee to submit final engineering design plans and specifications within 90 days of receipt of written approval or determination of the conceptual plans. This condition is necessary to maintain consistency with this license and Part 111 and its rules.

Condition VII.A.5. requires construction to start within six months of receipt of written approval from the Chief of the WMD. This condition was added to facilitate the initiation of construction after approval of the design plans and specifications.

Condition VII.A.6 requires the licensee to complete construction of the proposed buildings in accordance with the approved construction schedule. This condition was added to ensure the completion of construction in a timely manner.

Condition VII.A.7 requires the submittal of as-built drawings of the constructed hazardous waste container buildings and a construction certification report signed by a professional engineer. This condition also requires the MDEQ to inspect the SECSA prior to allowing the licensee to conduct operations within the SECSA. This condition was added to ensure that the building was constructed as approved.

Condition VII.A.8 requires the licensee to investigate the presence and quality of groundwater at the SECSA and other waste handling areas at the facility. This condition is necessary to maintain consistency with Part 111 and its rules and for the protection of human health and the environment.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

Condition VII.B.1 requires the submittal of a compatibility test workplan that details the procedures and recordkeeping that the licensee performs during the compatibility test. This condition is necessary to ensure that compatibility testing, used to demonstrate that waste accepted by MDWTP can be safely and appropriately treated at MDWTP, is being conducted and the results are well documented.

Condition VII.B.2 requires the submittal of a modified waste analysis plan 60 days after construction completion and prior to the operation of the SECSA. This condition is necessary to ensure that wastes managed in this regulated unit is in accordance with the applicable provisions of state and federal hazardous waste regulations.

Pursuant to R 299.9519, these changes are minor modifications which the MDEQ may incorporate into the license without following the public participation procedures specified in R 299.9511.

CONDITION:
ATTACHMENT 2, INSPECTION SCHEDULE

CHANGE:
The inspection schedule for the emergency equipment was modified to include the fire suppression system (in-tank foam system). The fire suppression system will be inspected on a monthly basis.

The daily inspection form was modified to include the thermal oxidizer air pollution control equipment as a unit to be inspected daily.

CONDITION:
ATTACHMENT 4, CONTINGENCY PLAN

CHANGE:
The Emergency Coordinators Telephone listing was modified to reflect the names of the individuals functioning as the emergency coordinators. The inspection schedule for the emergency equipment was revised to include the fire suppression system. The evacuation route drawing was updated to reflect the treatment building modification due to the thermal oxidizer. The list of emergency medical and police services was updated to the agencies the licensee would employ in the event of an emergency. The monthly inspection form was updated to include the east side by-pass device as an inspection item.

CONDITION:
ATTACHMENT 5, CLOSURE PLAN

CHANGE:
The tank storing scrubber water was renamed to tank 1B. The disposal locations were changed from specific locations to generic named locations.

CONDITION:
ATTACHMENT 6, WASTE DELIVERY PROCEDURES

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

CHANGE:

This attachment was modified to maintain consistency with delivery requirements in Condition II.T. of the license.

CONDITION:

ATTACHMENT 7, CONTAINER STORAGE

CHANGE:

The facility drawing and the site plan drawing was updated to reflect the modification of the treatment building. The drawing for the proposed truck unloading dock was removed because the licensee does not plan to construct the unloading dock.

CONDITION:

ATTACHMENT 8, ACCEPTABLE WASTE TYPES

CHANGE:

The Arcoclors (compounds that represent some but not all of the PCB compounds) are not authorized under the Part 111 license as acceptable waste codes. The 001D and 003D waste codes are no longer regulated under Part 111 of Act 451. The MDWTP is not authorized under the Part 111 license to accept reactive waste but they may accept deactivated reactive waste.

CONDITION:

ATTACHMENT 9, PROCEDURES TO PREVENT IGNITION

CHANGE:

Second paragraph was modified to reflect the use of the thermal oxidizer as air pollution control equipment on the east side of the treatment building.

CONDITION:

ATTACHMENT 10, TANK SYSTEMS PLANS AND SPECIFICATIONS

CHANGE:

The facility drawing, architectural ground floor plan drawing, structural ground floor plan drawing, and structural overall plan drawing were updated to reflect the modification to the treatment building.

CONDITION:

ATTACHMENT 11, TREATMENT PROCEDURES

CHANGE:

Introduction paragraph modified to reflect the use of the thermal oxidizer as air pollution control equipment on the east side of the treatment building.

CONDITION:

ATTACHMENT 13, GROUNDWATER MONITORING PROGRAM SAMPLING AND ANALYSIS PROGRAM

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
MDEQ Hazardous Waste License (Part 111)
3.1.6 Summary of Revisions to Draft License

CHANGE:

The Groundwater Monitoring Plan (GMP) was updated by MDWTP to reflect the changes in the monitoring program. The changes include:

- (1) The laboratory used for analysis of the groundwater samples changed from the Environmental Control Technology Corporation (ENCOTEC) to DLZ Laboratories. DLZ Quality Assurance/Quality Control Manual was incorporated in the GMP. This change was necessary because of ENCOTEC's lab closing.
- (2) Field filtering of samples for dissolved metals will be conducted when the samples are collected. This change was necessary because delivery of samples to the laboratory at the end of each sampling day was no longer feasible due to the distance to the laboratory.
- (3) Several methods have been added to each parameter. The methods are from the same references as listed in the previous GMP. The updated version of Standard Methods has been referenced.
- (4) Appendix G – Handling Requirements of Monitoring Parameters was modified. These changes were necessary because cyanide is not preserved with ascorbic acid and TOC is preserved with Hydrochloric acid rather than sulfuric acid.
- (5) Attachment I was modified to delete the laboratory's Precision and Accuracy Requirements. This change is necessary because SW-846 methods have been modified to include a new method to generate the ranges.
- (6) The monitoring well information was updated to reflect the regulatory changes as well as the latest TOC survey data.
- (7) References to the Michigan Department of Natural Resources (MDNR) were changed to the Michigan Department of Environmental Quality.
- (8) The title of Engineering Manager and Department were changed to Regulatory Affairs Manager and Department to reflect changes in job description/organizational structure at the facility.
- (9) Attachment L was modified by MDEQ to specify a confirmed statistically significant change in the concentration of any two (or more) secondary parameters in a single well will result in a statistically significant increase as defined by Condition V.A.11 of the operating license. This change was necessary to correct a typographical error in the GWP.

CONDITION:

ATTACHMENT 14, AMBIENT AIR MONITORING PROGRAM

CHANGE:

The ambient air monitoring program was updated to include the additional monitoring station located on the west side of the facility.

3.2 EPA Hazardous Waste Permit (RCRA)

3.2.1 Southeast Container Storage Area

The State of Michigan became authorized on June 1, 1999 to regulate carbamate wastes and hazardous debris. Conditions covering carbamate wastes and hazardous debris are now included in the State license instead of the EPA Hazardous Waste Permit.

COMMENT 1:

The SECSA is being used for microencapsulation of waste as well as the storage of treated wastes. Yet, the location is not enclosed, nor is there any air monitoring of this area. This is especially disturbing because it is located right on the property line and contains no air monitoring equipment. This area is the source of many air quality complaints from Van Buren Township residents.

There should be no storage or treatment of wastes in this area without an enclosed building equipped with an air handling system. In addition, air monitoring equipment should be mandated. This is another example of shoddy practices at the facility which harms the public health and the environment.

Why is treatment and storage of hazardous materials allowed out in the open and without adequate monitoring?

The Charter Township of Van Buren also request that the EPA immediately impose a moratorium on storage of wastes, residues, open containers, and debris in the container storage area until the facility can demonstrate that it can control facility odors.

RESPONSE:

Currently, there is no treatment or storage of hazardous waste occurring in the SECSA. The operating license prohibits the storage of any treated waste in open top containers in the SECSA until the licensee constructs a container storage building equipped with air pollution controls. By requiring treated waste to be stored in a building with air pollution controls, any potential emissions from such storage will be captured by the air pollution control equipment, thus preventing the odors from emanating from the facility. The operating license and RCRA permit prohibits the storage of liquid hazardous waste in the SECSA until such time as the container storage building is constructed with secondary containment and air pollution controls. At that time, both solid and liquid hazardous waste may be stored inside the building.

The operating license also requires the licensee to submit engineering design plans and specifications and a schedule for the construction of a hazardous waste container storage building within 60 days of license issuance. Construction must be initiated within six months of written approval of the design plans and specification.

The RCRA permit requires the permittees to comply with the State operating license for container storage at the SECSA.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.1 Southeast Container Storage Area

There is no microencapsulation of waste occurring at the SECSA. Microencapsulation of wastes occurs inside the treatment building within the confines of the air pollution controls. The microencapsulation treatment technology involves stabilizing hazardous debris¹ with regents such as portland cement, lime, fly ash or cement kiln dust to reduce the leachability of hazardous contaminants in the waste. The operating license allows the licensee to treat hazardous waste debris, contaminated with the waste codes that they are licensed to accept, by using the microencapsulation and macroencapsulation immobilization technologies. The operating license also specifies that treatment of hazardous waste debris, by either immobilization technologies, must occur only in the treatment building under the confines of the air pollution control equipment.

The RCRA permit requires the MDWTP to comply with the RCRA organic air emission standards. This means that MDWTP is required to install and operate air emission controls on all tanks and containers at the facility that manage hazardous waste with an average organic concentration greater than or equal to 500 ppm.

To further control facility odors, the MDEQ is requiring MDWTP to store open top containers inside the treatment building or the container storage buildings to be located at the SECSA and the NCSA. The treatment building is equipped with an air pollution control system and the container storage buildings, once constructed, will also be equipped with air pollution control system.

COMMENT 2:

The proposed federal permit authorizes MDWTP to store 181,800 gallons of federally regulated carbamate waste at the SECSA. This is a newly listed hazardous waste. Given the poor compliance record at the facility and the hundreds of air complaints received, MDI simply should not be given any additional waste handling responsibilities.

Will MDI's previous compliance record of four percent be considered in the decision to grant permission to treat the additional waste codes?

RESPONSE:

Yes. The Agency did consider MDWTP's past compliance history before making the decision to allow the facility to store and treat the new carbamate waste streams. However, the Agency cannot deny a facility the right to manage new hazardous waste streams provided the facility's permit application is technically adequate and that the facility is in compliance with applicable hazardous waste laws. While it is true that MDWTP has been out of compliance from time to time, the facility has generally been responsive in correcting past compliance problems.

COMMENT 3:

Will new waste analysis and waste acceptance procedures be required for these wastes?

¹ Debris means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material. Hazardous debris means debris that contains a listed hazardous waste or that exhibit a characteristic of hazardous waste.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.1 Southeast Container Storage Area

RESPONSE:

Yes. The waste analysis plan, contained in the State operating license, describes specific waste analysis and acceptance procedures for all wastes managed at MDWTP, including the new carbamate waste streams.

COMMENT 4:

Will the ambient air monitoring program be expanded to determine if these wastes have an impact on the surrounding community?

RESPONSE:

Two additional VOC parameters (Methyl Ethyl Ketone and Total Xylenes) have been added to the ambient air monitoring program, under the State operating license, to address these additional waste codes. Currently, no carbamate wastes are being stored in the SECSA. In response to public concerns regarding odors, the State operating license and federal permit requires MDWTP to construct an enclosed building for the SECSA prior to storing any treated hazardous or non-hazardous wastes. The State operating license also requires MDWTP to cover all treated waste loads in the treatment building prior to transporting the load from the treatment building. Together, these permit requirements will help control any fugitive emissions from the management of carbamate wastes in the SECSA.

COMMENT 5:

With the high water solubility of carbamate compounds, why is this area not located inside or under a roof to minimize water runoff from this area?

“Why has the facility been allowed to use the Southeast Container Storage Area with an asphalt floor, instead of concrete, possibly allowing permeation of the carbamate runoff from the storage containers to the underlying groundwater which has a direct hydraulic link with Belleville Lake?”

A resident stated that the Southeast Container Storage Area has no dike or collection system, has no air detection system, and cannot withstand rainwater flow. The resident stated that admittance of carbamates into the area would be unchecked and that they and could flow into the community.

RESPONSE:

The design of the SECSA meets all federal and state requirements for the storage of solid hazardous wastes. This means that MDWTP is not required to have a concrete base or a separate air detection system for the SECSA. Currently, no carbamate wastes are being stored in the SECSA. In the past, carbamates were stored in the SECSA. However, these wastes were stored in closed containers or covered roll-off boxes. Since all containers were closed or covered at all times, the likelihood of any precipitation coming in contact with the containerized wastes or runoff from the SECSA contaminating the groundwater, is relatively small. In regard to the concern regarding dikes and collection systems, the design of the SECSA meets RCRA regulations for the storage of solid hazardous wastes. The RCRA regulations state that if the containers are elevated or are otherwise protected from contact with accumulated liquid in the form of precipitation, no dikes or secondary containment system is required.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.1 Southeast Container Storage Area

However, in response to the public concerns, the State operating license and federal permit requires MDWTP to physically enclose the SECSA by constructing an enclosed building, with an air pollution control system and upgraded secondary containment, prior to storing any wastes in this area. These permit requirements will help control any fugitive emissions from the SECSA and completely eliminate the potential pathway for migration of contaminated runoff into the environment.

In addition, MDWTP is being required to investigate shallow groundwater in the vicinity of the SECSA and other waste handling areas at the facility to develop a long-term shallow groundwater monitoring program in this area.

3.2.2 Draft Permit

COMMENT:

The draft permit combines the two entities (Ford and EQ) and refers to them collectively as the "Permittees." EQ requests that all references throughout the draft permit which assign operational responsibilities to the "Permittees" be changed to read "EQ." This approach more accurately depicts the responsibility EQ has for the management of the facility that EQ owns and compliance with the terms and conditions of the RCRA permit.

RESPONSE:

The EPA denies EQ's request to change all references pertaining to operational responsibilities of the "Permittee" in the draft permit to read "EQ" in the final permit. This denial is based on an evaluation of the following RCRA regulations which clearly state that both owners and operators of a hazardous waste facility are the "Permittees."

Section 3005 (a) of RCRA specifically states that:

"Not later than eighteen months after October 21, 1976, the Administrator shall promulgate regulations requiring each person owning or operating an existing facility... to have a permit issued pursuant to this section (Emphasis added)."

40 CFR 270.1 further states:

"Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit...(Emphasis added)."

40 CFR 270.2, which provides the definitions for the permitting regulations, defines owner to include the owner of "any Hazardous Waste Management facility or activity (including land or appurtenances thereto) that is subject to regulation under the RCRA program."

Finally, the Preamble to the 1980 regulations states at 45 Fed. Reg. 33169 (May 19, 1980):

"Some facility owners have historically been absentees, knowing and perhaps caring little about the operation of the facility on their property." The Agency believes that Congress intended that this should change and that they should know and understand that they are assuming joint responsibility for compliance with these regulations when they lease their land to a hazardous waste facility. Therefore, to ensure their knowledge, the Agency will require owners to so-sign the permit application and any final permit for the facility.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.3 Other Issues

3.2.3 Other Issues

COMMENT 1:

The Charter Township of Van Buren expressed concern about the Wayne County air quality permit. The specific questions asked are as follows:

What will the EPA do to ensure that enforcement action is taken by Wayne County when violations are discovered and documented?

RESPONSE:

For federally-enforceable air permit requirements, EPA has the ability to take enforcement action directly. In general, state and local regulatory agencies, as well as owners and operators of air contaminant sources, are aware of federal authorities to take action in the absence of local action. Through a Memorandum of Agreement and grant agreement with Wayne County, the EPA reserves the right to act in the absence of Wayne County action; however, it is the EPA's policy to require "timely and appropriate" enforcement action by delegated agencies against significant violators of the Clean Air Act.

COMMENT 2:

What impact does a history of noncompliance at this facility have on the possible approval or disapproval for the RCRA renewals and the TSCA permit applications?

RESPONSE:

The EPA did consider MDWTP's past compliance history before making the decision to allow the facility to store and treat the new carbamate waste streams. However, the EPA cannot deny a facility the right to manage new hazardous waste streams provided the facility's permit application is technically adequate and that the facility is in compliance with applicable hazardous waste laws. While it is true that MDWTP has been out of compliance from time to time, the facility has generally been responsive in correcting past compliance problems.

3.2.4 Summary of Revisions to Draft Permit

CHANGE 1:

The first sentence of the second paragraph under Authorized Activities on the cover page has been changed from "The RCRA permit contains both the effective Federal permit conditions (contained herein) and the effective State license conditions issued by the State of Michigan's RCRA program authorized under 40 C.F.R. Part 271 (hereinafter called the "State license")." to "The RCRA permit contains both the effective Federal permit conditions (contained herein) and the effective State Operating license conditions issued by the State of Michigan's RCRA program authorized under 40 C.F.R. Part 271 (hereinafter called the "State license")."

REASON

This change was made to clarify that the term "State license" within the permit refers to the State Operating license.

CHANGE 2:

References to the State of Michigan Department of Environmental Quality Hazardous Waste Management Facility Operating License have been changed from "State Operating License" to "State License" in the following conditions: IV.B.1., IV.B.2., and IV.B.3.

REASON

This change was made to provide consistency in the final permit.

CHANGE 3:

The section labeled "Permit Approval" on the draft permit cover page has been modified by adding the sentence, "On April 8, 1996, the State of Michigan also received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926, and 40 C.F.R. Part 271, to administer the hazardous waste program requirements of HSWA." This change appears in the final permit.

REASON

This change was made to reflect the State of Michigan's current RCRA authorization status.

CHANGE 4:

The second sentence of the first paragraph of section II.Q. which reads as: "The Regional Administrator will review the permit modification request and determine whether a separate modification of the Federal permit is necessary.", has been changed to "The Regional Administrator will review the state license modification request and determine whether a separate modification of the Federal permit is necessary." for clarity.

REASON

This change was made to clarify that it is the State license modification request that will be reviewed by the Regional Administrator.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

CHANGE 5:

The first sentence of the second paragraph of section II.Q. which reads as: "Should the State initiate a license modification, which affects documents cited in any State license condition referenced by the Federal permit, the Permittees shall, within 30 days of the effective date of the permit modification, submit to the Regional Administrator a copy of the revised permit condition(s) and any changes to the approved permit application.", has been changed to the following: "Should the State initiate a license modification, which affects documents cited in any State license condition referenced by the Federal permit, the Permittees shall, within 30 days of the effective date of the State license modification, submit to the Regional Administrator a copy of the revised State license condition(s) and any changes to the approved State license application."

REASON

This change was made to clarify that it is the revised State license conditions and any changes to the approved State license application that the Permittees must submit to the Regional Administrator.

CHANGE 6:

The entire Permit Condition VI., labeled "Corrective Action Requirements," has been removed from the permit index and from pages 18 and 19 of the draft permit. This condition does not appear in the final permit.

REASON

On April 8, 1996, the State of Michigan received final authorization, pursuant to Section 3006 of RCRA, to administer the corrective action program requirements of Hazardous and Solid Waste Amendments (HSWA). The State received final authorization after the draft permit was released to the public for review and comment. Since the MDWTP is no longer subject to this Federal requirement, Corrective Action conditions were removed from the final permit and final permit index.

CHANGE 7:

Permit Condition VII., Air Emission Standards, has been changed in the permit index and on page 19 of the draft permit to read "Permit Condition VI., Air Emission Standards" in the final permit.

REASON

This change was necessary to maintain numerical consistency throughout the final permit.

CHANGE 8:

Permit Condition I.D.2. on page 2 of 19 of the draft permit has been modified by removing the following conditions: "The corrective action obligations contained in this permit will continue regardless of whether the facility continues to operate or ceases operation and closes"; "The Permittees are obligated to complete facility-wide corrective action under the conditions of this permit regardless of the operational status of the facility"; and "a) the permit has been modified to terminate the corrective action schedule of compliance and the Permittees have been released from the requirements for financial assurance for corrective action." These conditions do not appear in the final permit.

REASON

These conditions were removed since MDWTP is no longer subject to Federal corrective action requirements as discussed in Change #2.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

CHANGE 9:

Permit Condition I.D.9., labeled "Monitoring and Recordkeeping", on page 4 of 19 of the draft permit has been modified by removing the condition that "Corrective Action records must be maintained at least three years after all Corrective Action activities have been completed." This condition does not appear in the final permit.

REASON

This condition was removed since MDWTP is no longer subject to Federal corrective action requirements as discussed in Change #2.

CHANGE 10:

Condition III.C.5., on page 14 of 19 of the draft permit has been deleted and does not appear in the final permit.

REASON

This condition was deleted because the facility is not authorized to manage Polychlorinated Biphenyls (PCBs) at concentrations greater than 50 ppm.

CHANGE 11:

Permit Condition IV.B.1., on page 15 of 19 of the draft permit, has been modified by removing the phrase "may store hazardous wastes that are solid in form which are generated by the treatment of carbamate waste codes." Permit Condition IV.B.1. of the final permit now reads "The Permittees may only store solid hazardous wastes, identified in Attachment I to this permit, in the SECSA, subject to the terms of this permit and the State license."

REASON

This change was made to clarify that only solid hazardous wastes identified in Attachment I can be stored in the SECSA and that no treated hazardous or non-hazardous wastes can be stored in the SECSA unless storage is occurring inside a building under the confines of air pollution control equipment.

CHANGE 12:

Permit Condition IV.B.2., on page 15 of 19 of the draft permit, has been modified by adding the phrase "subject to the terms of this permit and the State license."

REASON

This change was made to maintain consistency with the State Operating license which prohibits the container storage of treated hazardous or non-hazardous wastes in the SECSA unless the storage is occurring inside a building under the confines of air pollution control equipment.

CHANGE 13:

Permit Condition IV.B.3., on page 15 of 19 of the draft permit, has been modified by adding the phrase "unless the Permittees comply with Conditions VII.A.1. through VII.A.3. of the State license" in the final permit.

REASON

This change was made to maintain consistency with the State Operating license which prohibits the storage of liquid hazardous wastes in the SECSA until the facility constructs a new hazardous waste container storage building, with upgraded secondary containment, for the SECSA.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

CHANGE 14:

Condition IV.K. has been modified from "At closure, the Permittees shall remove all hazardous waste and hazardous waste residues from the SECSA in accordance with Condition II.L. of this permit and Section II.K. and Attachment 5 of the State license.", to "At closure, the Permittees shall remove all hazardous waste and hazardous waste residues from the SECSA in accordance with Condition II.L. of this permit and Condition II.K. and Attachment 5 of the State license."

REASON

To maintain consistency in referring to permit conditions.

CHANGE 15:

Permit Condition V.B., labeled "Other Wastes," on page 17 of 19 of the draft permit has been deleted and does not appear in the final permit.

REASON

This condition was deleted because the State of Michigan is authorized to regulate the management of F024, F025, and F032 listed hazardous wastes.

CHANGE 16:

Permit Condition V.C., Carbamate Wastes, on page 18 of 19 of the draft permit has been changed to read "Permit Condition V.B., Carbamate Wastes" in the final permit.

REASON

This change was made to maintain numerical consistency throughout the final permit.

CHANGE 17:

Attachment I, labeled "Acceptable Waste Types," in the draft permit has been modified by removing 25 of the 64 Carbamate waste codes from the list of acceptable waste types. These 25 Carbamate waste codes do not appear in the final permit.

REASON

On November 1, 1996, the U.S. Court of Appeals for the District of Columbia issued a decision vacating the hazardous waste designation of certain Carbamate chemicals. As a result of the court's decision, the following 25 carbamate U- and K- wastes codes are no longer RCRA hazardous wastes and, therefore, were removed from the final permit.

U277, U365, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403, U407, K160.

CHANGE 18:

The Ford Motor Company (Ford) was removed as a Co-Permittee.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

REASON

Ford was removed as a Co-Permittee due to the transfer of property ownership from Ford Motor Company to Wayne Disposal, Incorporated. Ford was listed as a Co-Permittee only due to ownership of the land on which the facility is located.

CHANGE 19:

The term "Permittees" was changed to "Permittee".

REASON

The term "Permittees" was changed to "Permittee" due to the Environmental Quality Company becoming the sole Permittee.

CHANGE 20:

The signature block was changed from "Norman R. Niedergang" to "Robert Springer".

REASON

Robert Springer replaced Norman R. Niedergang as the Director of the Waste, Pesticides and Toxics Division.

CHANGE 21:

In Section II.E., the reference to Section II.E. of the State license was changed to Section II.F. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 22:

In Section II.F., the reference to Section II.F. of the State license was changed to Section II.G. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 23:

In Section II.G., the references to Sections III.G. and III.H. of the State license was changed to Sections III.H. and III.I. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 24:

In Section II.H.I., the reference to Section II.G. of the State license was changed to Section II.H. of the State license.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 25:

In Section II.H.2., the reference to Section II.G.2. of the State license was changed to Section II.H.2. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 26:

In Section II.I.1., the reference to Section II.H.1. of the State license was changed to Section II.I.1. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 27:

In Section II.J., the reference to Section II.I. of the State license was changed to Section II.K. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 28:

In Section II.L.1., the reference to Section II.K. of the State license was changed to Section II.M. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 29:

In Section II.L.4., the reference to Section II.K.4. of the State license was changed to Section II.M.4. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 30:

In Section II.L.5., the reference to Section II.K.5. of the State license was changed to Section II.M.5. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

CHANGE 31:

In Section II.L.6., the reference to Section II.K.6. of the State license was changed to Section II.M.6. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 32:

In Section IV.B.3., the reference to Conditions VII.A.1. through VII.A.3 of the State license was changed to Conditions VII.A.1 through VII.A.7. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 33:

In Section IV.E., the reference to Section III.E. of the State license was changed to Section II.F. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 34:

In Section IV.G.2., the reference to Section III.G. of the State license was changed to Section III.H. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 35:

In Section IV.K., the reference to Section II.K. of the State license was changed to Section II.M. of the State license.

REASON

This change was made to maintain consistency with revised numbering in the State license.

CHANGE 36:

On the cover page, the name of the owner (The Environmental Quality Company) and the name of the titleholder (Wayne Disposal, Incorporated) of the land the facility is located on was added.

REASON

This change was made to maintain consistency with the State license.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
EPA Hazardous Waste Permit (RCRA)
3.2.4 Summary of Revisions to Draft Permit

CHANGE 37:

Condition II - General Facility Conditions, Condition IV - Container Storage, and Condition V - Hazardous Debris and Other Wastes has been removed.

REASON

The State of Michigan became authorized on June 1, 1999 to regulate carbamate wastes and hazardous debris. Conditions covering carbamate wastes and hazardous debris are now included in the State license.

3.3 Air Quality

3.3.1 Air Quality

COMMENT 1:

The current air sampling protocol is woefully inadequate in that sampling occurs rarely and many substances may slip by without being tested. The ambient air sampling stations only operate every sixth day and a limited range of organic analysis is performed. Review of the quarterly waste acceptance reports for the first quarter of 1995 revealed the following volumes of each of the major volatile organic waste classification codes were accepted for treatment in the first quarter of 1995.

Waste Code	Monthly (quantity in gallons)		
	Jan	Feb	March
D001	27,375	30,685	29,695
F001	3,820	9,595	5,045
F002	25,895	8,990	4,110

The proposed volatile organic air monitoring parameters do not fully encompass the compounds allowed in the wastes identified under the F001 and F002 classification. The wastes allowed under the F001 and F002 not included in the analysis are the following: ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloro-1,2,2-trifluoroethane, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane.

In addition, review of the summary of the monthly waste codes accepted at the facility indicates that the largest quantity of waste accepted is D001 or ignitable waste, which may have a variety of organic constituents which make the waste volatile. Therefore, rather than specifying a specific analytical scheme and limiting the organics that may be detected, submission of the sorbent tubes for a wider range GC/MS organic scan, which will tentatively identify any organic constituents present would be more protective of human health and the environment. These constituents can then be identified from the GC/MS database and concentrations estimated based on relative response. Due to the wide variety of wastes which can be accepted at the facility (740 waste codes), this is the only method which will monitor all possible organic emissions from the facility.

How were the 13 original indicator parameters selected for the ambient air monitoring program?

Why were 13 organic indicator parameters selected for the ambient air monitoring to represent the emissions from 740 waste codes?

RESPONSE:

The original indicator parameters were selected based on their potential to harm human health and the environment due to their toxicity, mobility, and concentration. The indicator parameters are adequate to reflect emissions from 740 waste codes. The ambient air monitoring program was instituted to give an indication of general contributions of different classes of VOCs as opposed to every constituent of each licensed waste code.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

COMMENT 2:

Why was analysis of a wider range of organic parameters not required for the permit renewal in light of the number of air quality complaints received in the last year?

RESPONSE:

The key analytical compound list was designed to monitor a number of industrial waste streams and, in fact, does do this. Some of the monitoring parameters were dropped because they had not been detected for a number of years and are not primary constituent of overall waste stream.

COMMENT 3:

Is the WMD aware of the number of air quality complaints received in the last year?

RESPONSE:

The WMD is aware of the number of air quality that the WCAQMD and the Van Buren Township tallied in the last year.

COMMENT 4:

How many air quality complaints were reviewed prior to issuance of the proposed relicensing document?

RESPONSE:

The WCAQMD reviewed all air quality complaints received at their office in conjunction with their technical review of the ambient air monitoring program included in the operating license renewal application.

COMMENT 5:

How many of these complaints were deemed significant to the MDEQ?

Does the compliance, or non-compliance, with air quality regulations established by the MDEQ have any bearing on the RCRA license re-issuance?

RESPONSE:

Air quality is a significant issue in the re-issuance of the operating license. The MDEQ has provided some suggestions to the WCAQMD to ensure that all public concerns have been addressed. The MDEQ took the position to not reissue the license for this facility until the air quality permit, which addresses all public concerns, is issued. The July 1997 air permit was modified and re-issued to MDWTP on April 5, 1999. To resolve the violations from the August 1997 failed stack test, the MDWTP entered into a consent order with WCAQMD on April 30, 1999.

COMMENT 6:

Why are action levels for the various organic and inorganic ambient air parameters not specified in the operating license?

RESPONSE:

Action levels for organic and inorganic ambient air parameters are not required pursuant to R 299.9521 to be included in the operating license. This rule specifies that certain conditions must be included in all Part 111 operating licenses, such as, facility expansions, facility modifications, transferring ownership or operation of the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

facility, conditions that clarify the procedures for license issuance, reissuance, modification, and revocation, compliance schedules, requirements for recordkeeping and reporting, duration of the license, allowable waste types, and any other conditions necessary to achieve compliance with Part 111.

COMMENT 7:

Why is the detection limit for the chromium analysis in the ambient air sampling program greater than the SRSL published by the MDEQ, AQD?

RESPONSE:

The SRSL is a concentration based on risk assessment calculations. These calculations can result in an ambient air concentration which is below the detection limit that sampling and analytical technology can provide. This is the case in regard to the detection limit for chromium using atomic absorption technology.

COMMENT 8:

How can the MDEQ make a determination regarding chromium exposure with the current detection limit utilized for the analysis?

RESPONSE:

The current detection limit utilized for chromium analysis in the ambient air monitoring program is the lowest detection limit that sampling and analytical technology can provide. There is no AAC standard for chromium that would indicate that the detection limit is unacceptable. The WCAQMD will continue to use the SRSL for chromium to evaluate potential airborne chromium exposure until an AAC for chromium is established.

COMMENT 9:

Is the ambient air monitoring simply a record keeping exercise or is it designed to protect the health of the surrounding community?

RESPONSE:

The ambient air monitoring program is designed to measure long-term trends and to give information regarding operational and control procedures. Use of this information is a basis for air quality management and considerations for protection of the health of the surrounding communities.

COMMENT 10:

The collection of data on an every sixth day basis, and submission of the results within 30 or 60 days to Wayne County, does not provide residents in the surrounding community with timely or representative feedback regarding exposures to air contaminants. The MDEQ AQD published risk screening levels should not be exceeded at any time on the property line of the facility to adequately protect the health of the community. The infrequent monitoring and lag in reporting time do not give the facility the opportunity to alter process operations and protect the health of the community.

By the time an exceedance is noted, the exposure may have abated, or have continued for some unknown time period that poses risk to human health in the area. A continuous emission monitoring (CEM) system for the facility would provide immediate feedback with respect to ambient air emissions. In addition, with the variety of wastes MDI is allowed to accept, the CEM is the only method in which the ever-changing nature of the facility effluent can be adequately characterized.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

Why was intermittent sampling approved when the exposure to the residents in the area is continuous?

RESPONSE:

The CEMs are used at point sources, i.e., smoke stacks or vents, and are not appropriate for fence line ambient air monitoring systems. This process does not lend itself to proper use of a CEM system.

COMMENT 11:

Can MDI demonstrate that the intermittent sampling is representative of the continuous emissions for the facility?

RESPONSE:

The current six-day monitoring schedule has been demonstrated to be adequate for long-term assessment of ambient air emissions at the facility. There is no reliable way for MDI to continuously monitor emissions from the facility. The current technology for continuous emission monitors for the type of operations at this facility will not be effective in providing feedback with respect to ambient air emissions from the various areas at the facility that may generate emissions (i.e., treatment process, SECSA, WDI landfill, etc.). CEMs are intended for use at industries like power plants that have continuous emissions.

COMMENT 12:

Why does the EPA not require continuous emission monitoring?

RESPONSE:

At this time, the EPA does not believe that there is a reliable way to continuously monitor VOCs. There are no published performance specifications for such monitors. However, the county's air permit requires stack testing for VOCs, using worst case conditions, which shows what contaminants would be emitted by the facility.

COMMENT 13:

Will CEM be required at the facility in light of the numerous air quality complaints received by Wayne County and Van Buren Township for the facility?

RESPONSE:

The use of CEM will not be required. Current technology for CEMs with regard to monitoring VOC measurements is in the developmental stages.

The MDWTP facility batch treats a large number of different waste streams from hydrocarbons to VOCs. The CEMs for hydrocarbons have different response factors for different types of hydrocarbons. When a process has a consistent emission from the stack, a detailed comparison between actual hydrocarbon concentration and CEM response can be made, thus allowing an accurate measurement of hydrocarbon concentration emanating from the stack. Due to the large number of wastes handled at the facility and continuous variation of emission constituents, it is difficult to make a reliable practical comparison of accurate hydrocarbon concentration and CEM response. In addition, the high moisture concentrations in the stack emissions complicate the collection of reliable data.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

The air quality complaints have alleged that several areas (i.e., treatment process, SECSA, WDI landfill, etc.) are the sources for odors. The CEM will not be effective in providing feedback with respect to ambient air emissions from those areas. CEMs are intended for use at industries like power plants that have continuous emissions.

COMMENT 14:

Will additional air analysis to continuously monitor odors be required at the facility?

RESPONSE:

No. Additional air analysis to monitor odors at the facility will not be required. Ambient air monitoring will not detect odor levels. However, the WCAQMD modified its draft air permit for MDWTP based on public comments received during the public participation process for the draft air permit to address the odor issues. The air permit issued in July 1997: 1) requires stricter stack testing; 2) prohibits MDWTP from accepting certain wastes that may emit odors if processed; 3) limits the amount of emissions from each waste treatment process; 4) requires operation the air pollution control equipment when waste is stored or treated in the treatment building ; 5) limits the amount of VOC content in wastes accepted by the MDWTP; 6) requires MDWTP to keep all overhead doors, except one, of the treatment building closed during waste processing; and 7) limits the amount of odor emissions from the waste treatment processes. The WCAQMD has since then modified the July 1997 permit to reflect the use of new air pollution control equipment, a thermal oxidizer. All other requirements in the air permit remained essentially the same. MDWTP installed this equipment on the east side of the treatment building to control air emissions from processing waste with high VOC content. Please refer to the response provided for Comment 12 in section 3.1.3.

COMMENT 15:

The proposal to allow MDI to petition to discontinue sampling for organic parameters after one year of non-detectable levels is not protective of human health and the environment. Under the current RCRA permit, MDI has the ability to accept 740 hazardous waste code materials. Although all of these approved waste codes may not contain organic compounds, the ability of MDI to accept this variety of wastes, in any given month, demonstrates that the waste streams at the facility, as well as the associated emissions, have the ability to vary greatly during any given time period.

It is conceivable that MDI may not receive any waste within a particular waste code in a given year and have petitioned to remove the indicator parameter for that waste from the air sampling program. Subsequent to the removal of the indicator parameter, MDI could accept a shipment for treatment of that same waste. However, having removed the parameter from testing requirements, there would be no way to monitor the ambient air quality and possible exposure of the hundreds of residents living near the facility. If the MDEQ insists on this provision, the very least that should be required of MDI is to cease accepting wastes for which the facility has stopped testing.

Why would the MDEQ consider reducing the number of ambient air analysis parameters lower than the 13 proposed with the number of odor complaints in the area?

If air monitoring can be discontinued after a 1-year period if indicator parameters are not detected, would WDI also be required to delete waste codes not received within this time period from its permit and discontinuance of the air sampling?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

RESPONSE:

Attachment 13, the Ambient Air Monitoring Program, of the operating license specifies that the licensee may petition the Chiefs of the WMD and the WCAQMD to discontinue sampling for any organic parameter listed in Table 7 if one year of sampling events show non-detectable levels of that parameter. The parameter reduction specified by this item will be implemented only if:

- 1) it is approved by both the WMD and the WCAQMD,
- 2) the monitoring program has been in operation under the above sampling schedule for at least one-year,
- 3) 80 percent of the data collected has been confirmed as valid under the quality assurance program,
- 4) a minimum of 33 percent of the sampling events occurred when the wind direction aligned the land disposal operations with the sampling stations, and
- 5) the licensee can document that parameter has been treated at the facility and does not result in any emissions.

The MDEQ is not currently considering a petition from the licensee to reduce the number of ambient air analysis parameters.

COMMENT 16:

Does non-incorporation of Wayne County air quality violations in the chronological record indicate that air quality is not a relevant issue in re-issuance of an operating permit? Is this the equivalent of giving MDI permission to emit any quantity of air contaminants without regard to the potential harm to public health and the environment?

RESPONSE:

Non-incorporation of potential air quality violations in the compliance chronology is not an indication of relevancy. The compliance chronology tracks the licensee's compliance with the hazardous waste management requirements of Part 111 and its rules.

Air quality is a relevant issue in the re-issuance of the operating license. The MDEQ has provided some suggestions to the WCAQMD to ensure that all public concerns are addressed.

The operating license, through incorporation of the ambient air monitoring program and Part 55 of Act 451 requirements (Part 55), provides limits for the quantity of contaminants into the air that would harm public health and the environment. The MDEQ expects the licensee to comply with the conditions of the Part 55 requirements and the Part 111 license conditions in an effort to minimize odors and other emissions from the facility which may harm public health and the environment.

COMMENT 17:

Why has stack testing not been performed at the facility for nearly six years?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

A resident stated that a stack test has not been administered since 1990. The resident asked, "Why is there no enforcement of stack emissions?"

Why has stack testing not been required at the facility for six years?

Will you conduct a stack test as soon as possible since records indicate that a test has not been administered since 1990?

A member of the Ypsilanti Township Board requested that a stack test be conducted at the facility immediately because records indicate that such a test has not been administered since 1990. In addition, two residents expressed concern about WDI's failures of emission stack tests in 1990 and that the associated deficiencies have not been corrected. A resident asked that a stack test be conducted as soon as possible.

The Charter Township of Van Buren expressed concern that the facility had breached its obligations to the residents of Wayne County because of its initial stack testing failure and its not following up on the failed test for six years.

RESPONSE:

Stack testing was performed at this facility in 1990. The 1990 stack test found the quad scrubber marginally out of compliance for VOC emissions. When the stack test report was submitted to the WCAQMD, a proposal to bring the source into compliance was made by the company. The source continued to operate at levels less than the 1990 test during the time period the WCAQMD evaluated the proposal.

No additional stack test of the quad scrubber was required by the WCAQMD since there was a proposal to replace that control device with a state of art carbon and baghouse air pollution control system.

COMMENT 18:

Why with the number of odor complaints in the area, has Wayne County not required additional ambient air testing at the facility?

RESPONSE:

An ambient air monitoring program is required at this facility. However, ambient air monitoring will not detect odor levels. The ambient air monitoring program at the MDWTP/WDI facility is designed to measure ambient concentration of VOCs, inhaleable particulate matter below 10 microns in aerometric diameter (pm-10), and metallic components of total suspended particulate (TSP-metals).

In response to the odor complaints, the WCAQMD modified its Air Permit in an effort to further minimize odors and other emissions from the facility. Please refer to the response provided for Comment 14 in this section for more information regarding the modifications.

COMMENT 19:

Once indicator parameters have been removed from the air sampling program how can regulatory authorities and local residents be assured that subsequent deliveries to the facility will not release these materials into the air?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

RESPONSE:

Please refer to the response provided for Comment 15 in this section.

COMMENT 20:

Review of the Permit Conditions-Agreement by Counter Signature authored by Wayne County dated June 10, 1994, the odor complaints from the local residents and the stack testing results from 1990 indicates that MDI has not adequately demonstrated compliance with some of the permit conditions listed in the June 10, 1994 document. More specifically, according to Permit Condition #7 "Operation of this emission source shall not result in the emission of an air contaminant which causes injurious effects to human health or safety, animal life, plant life of significant economic value or property, or which causes unreasonable interference with the comfortable enjoyment of life and property." The number of complaints filed in Van Buren Township indicates that impairment of comfortable enjoyment of life and property is occurring on an unfortunately regular basis. However, neither "injurious effects" nor "unreasonable interference" is defined. A quantitative definition for each of these terms should be developed.

For example, the MDEQ has developed SRSL criteria for ambient air. These concentrations are those that when present in the ambient air are not expected to cause an additional lifetime cancer risk or more than 1 in 100,000. If the maximum concentrations for the compounds included in the ambient air monitoring program exceed the SRSLs during three consecutive sample events, this could be considered an "injurious effect." "Unreasonable interference" with the comfortable enjoyment of life could be defined as the number of residential air quality complaints received within a given time. For instance, if a certain number of air quality complaints are received within a three day period, which when investigated by a Van Buren Township official are determined to be related to the MDI facility and/or its operations, this may be deemed "unreasonable interference." In short, definitions for these terms must be developed to give the permit conditions any true and enforceable meaning. In addition, some type of penalty for non-compliance with the permit conditions could be incorporated into the final permit to add some substance to noncompliance.

Why are quantitative definitions for "injurious effects" to human health not incorporated into the permit document?

Why are quantitative definitions for "unreasonable interference" not incorporated into the permit document?

RESPONSE:

These terms are specific to Part 55, Air Pollution Control, of Act 451 and the rules promulgated pursuant to that part. Therefore, definitions of these terms would be more appropriately found in the air permit than the Part 111 of Act 451 operating license.

COMMENT 21:

Why are the number of ambient air monitoring parameters included in the current RCRA permit application less than those required in the 1985 - 1990 MDI ambient air monitoring program?

RESPONSE:

The key analytical compound list was designed to monitor a number of industrial waste streams and, in fact, does do this. Some of the monitoring parameters were dropped because they had not been detected for a number of years and are not primary constituent of overall waste stream.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

COMMENT 22:

As a result of decreasing the number of monitoring parameters required, has the MDEQ also reduced the number of waste codes the MDI can accept?

RESPONSE:

No. Also, refer to the response provided for Comment 21 in this section.

COMMENT 23:

In the Environmental Assessment Section of the MDI application, Section 4.7 deals with the aesthetics of the existing facility and indicates that on day of high humidity and mild southerly winds, odors will pose problems to residents on the eastern edge of the site. Examination of the current ambient air monitoring stations indicates that an ambient air monitoring station is not located directly to the east of Master Cell VI, which has been proposed to be used for RCRA and TSCA disposal. In addition, a monitor to the east of Cell VI would also provide information regarding the downwind air quality of the new carbamate storage area. Why wasn't an additional air monitoring station to the east of Cell VI required?

RESPONSE:

An additional air monitoring station to the east of Cell VI will not be required because the existing monitoring locations are sited to assess ambient air quality on a long term basis. Site 82983 is immediately adjacent to a recreational facility downwind from the site based on Wind Rose Data. In all probability, this would also be the location of the nearest human receptor for the facility. Air monitoring stations 82983 and 82977 are located east of MC VI.

COMMENT 24:

Can this additional air monitoring station be added prior to permit issuance and air samples collected on charcoal tubes to tentatively identify VOCs that may be present?

RESPONSE:

An additional air monitoring station has been put in operation on the west side of the facility. There are two air monitoring stations 82983 and 82977 that monitoring the site east of MC VI. These stations also monitor for VOCs by using organic samplers that employ a system of sorbent tubes capable of collecting organic compounds. Samples are to be collected at a flow rate adequate to reach the required limits of detection.

COMMENT 25:

With the current ambient air data submission time scheme, how will the regulatory agency remedy an overexposure which occurred sixty days ago?

RESPONSE:

It is correct that the Agencies can't stop an event after it has happened. But the on-site compliance monitor provides for quicker intervention in operational problems and that six-day monitoring cycle allows for shorter response time. If based on the monitoring data, a release has occurred 60 days ago appropriate corrective actions and enforcement actions, if necessary, will be taken.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

COMMENT 26:

Why isn't monitoring on a more frequent basis, with more timely submittal or reports (for instance within a week of sample collection) required to ensure that the health of the Van Buren Township residents is protected?

Is the current lag in the reporting time due to EQ's unwillingness to pay expedited laboratory analytical fees for the ambient air analysis? If so, does the regulatory agency believe that the extra expense is justified to protect public health and the environment?

In light of the inadequacy of the current system with respect to addressing the numerous air quality complaints on file for the facility with the county and township, how did the EPA determine that sampling once every six days was adequate to protect human health and the environment?

RESPONSE:

The current six-day monitoring schedule is adequate for a long-term assessment of ambient air quality. The ambient air monitoring program is not designed to be a front line defense of the environment.

At the MDWTP/WDI facility the ambient air monitoring equipment samples ambient air at the property line for 24 hours on each sampling day. This requires that the various sampling media be set up the day prior to sampling, and removed for analysis the day after the sampling day. The samples are then transported to the laboratory contracted to perform the required analysis. Analytical data must be quality assured, formatted, and submitted to the WCAQMD within 30 days of the last day of the sampling month. This data reporting requirement is consistent at other Part 111 regulated facilities located within Wayne County. Ambient air monitoring for PCB will be performed every sixth day for a 24-hour period. During the dry and warm months of the year, ambient air monitoring for PCBs will be performed every third day to give an enhanced levels of monitoring for this class of wastes.

Wayne County has made a commitment to Van Buren Township to perform off-site random VOC monitoring in cooperation with the township.

COMMENT 27:

How many air quality complaints has the WMD received for the EQ facilities?

RESPONSE:

The WMD has received one air quality complaint. The complaint #95-061 was filed on March 28, 1995 alleging a strong, irritating, unpleasant smell coming from EMSI and a smoke or vapor rising from the facility at the same time. This complaint was referred to the WCAQMD as the lead investigative and enforcement agency for air issues in Wayne County.

COMMENT 28:

Why are no carbamate indicator parameter compounds included in the ambient air analysis program when these compounds are considered so toxic by OSHA and according to studies of these compounds?

RESPONSE:

Methyl Ethyl Ketone and Total Xylenes are included in the ambient air program. These parameters are carbamate waste indicator compounds.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

COMMENT 29:

Why does the facility lack ambient air monitoring to east of this area to detect escaping amines and other odoriferous by-products generated by these compounds?

RESPONSE:

An additional air monitoring station to the east of Cell VI will not be required because the existing monitoring locations are sited to assess ambient air quality on a long-term basis. Site 82983 is immediately adjacent to a recreational facility downwind from the site based on Wind Rose Data. In all probability, this would also be the location of the nearest human receptor for the facility. Air monitoring stations 82983 and 82977 are located east of MC VI.

COMMENT 30:

Numerous Michigan air quality permits to operate violations have been noted at the facility by Wayne County, although official citations have not been issued at the site. Stack testing to demonstrate compliance with the air quality permit has not been performed at the site since 1990. The stack testing that was performed in 1990 indicated that the facility was out of compliance with the existing air quality permit. Wayne County failed to enforce the terms of the air permit issued to MDI. The unknown nature and quantity of these emissions pose a hidden danger to the citizens of Van Buren Township.

In addition, MDI has been involved in serious "reporting violations." These "reporting violations" include the loss of nearly six months of monitoring data for the facility.

RESPONSE:

It is the WCAQMD's policy to issue violations when a facility fails to comply with permit conditions. In the event a minor infraction is discovered and can be immediately resolved, the inspector may issue a warning to the company.

Stack testing was performed at this facility in 1990. The results were listed in the Stack Test Report and submitted to the WCAQMD. The results indicated that the quad scrubber was marginally out of compliance for VOC emissions. MDWTP simultaneously submitted a proposal to bring the quad scrubber back into compliance. The quad scrubber continued to operate with plant production levels less than the 1990 test levels during the time period the WCAQMD evaluated MDWTP'S proposal.

No additional stack testing of the quad scrubber was required by the WCAQMD since MDWTP had proposed to replace that control device with a state of the art carbon and baghouse air pollution control system. The WCAQMD approved of the proposed air pollution control system, and MDWTP submitted an installation permit application for the new system. The application was reviewed, and the WCAQMD prepared draft permit Numbers 11379 and 11380. A public hearing on these permits was held on November 20, 1996. Based on the comments received, the permits were modified and issued in July 1997. The air permit required stricter stack testing, which took place in August 1997. The results of the stack testing were reviewed by Wayne County. In October 1997, the EQ was cited for failure to meet the emission limits stated in the permit. The primary reason for the failure was exceedence of the VOC limits on the east side of the treatment building during the testing. To resolve these violations, MDWTP installed the thermal oxidizer air pollution control equipment in the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

summer of 1998 and entered into a Consent Order with WCAQMD on April 30, 1999. The Consent Order includes both penalties and a compliance schedule to correct the problems.

The WCAQMD has since then modified the July 1997 permit to reflect the use of the thermal oxidizer. All other requirements in the air permit remained essentially the same. MDWTP has installed this equipment on the east side of the treatment building to control air emissions from processing waste with high VOC content. The new air treatment system includes four collection hoods where emissions are captured and routed through a bag house to remove particulates. Air is then blown into the thermal oxidation unit, where VOCs are destroyed at extremely high temperatures. Effluent from the air treatment system is routed through a quencher and caustic scrubber prior to exiting the treatment building through the stack. To properly operate the thermal oxidizer and maintain a negative pressure on the treatment building, EQ has altered the building to construct a vestibule. The vestibule allows the doors of the building to remain closed during loading, unloading, and treatment operations thus further minimizing emissions to the atmosphere. Waste with high VOC content will only be processed on the east side of the treatment building.

The WCAQMD is not aware of the "reporting violations" alleged in this comment. There is no air monitoring data missing from the WCAQMD's records.

COMMENT 31:

EQ failed its stack testing in 1990 and has not shown the stacks to be in compliance since 1990.

Why hasn't more stack testing been ordered? Why should you give EQ a permit now that could allow them to continually bombard the community with noxious odors and possibly poison Belleville Lake through the groundwater? What goes up must come down. What is the effect of the noxious odors when a rainfall event takes place?

RESPONSE:

Please refer to the responses provided for Comments 14 and 30 in this section. Precipitation helps cleanse the atmosphere of pollutants and, thus, would reduce odors. Some air pollution control equipment such as the wet scrubber operates on the principle of using water to cleanse the air of impurities.

COMMENT 32:

Hundreds of air/noxious odor complaints have been generated from the EQ facility on the I-94 Service Drive.

Since EQ has not been able to eliminate the odor bombardment of the community thus far, how would you anticipate this odor problem (of which the long-term harmful effects are yet unknown) to be remedied in the future?

Residents expressed concerns about EQ's lack of control over the facility odors and its poor operational record, which indicate that future compliance problems are likely. A resident stated that the permit should be denied because of the odors.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

RESPONSE:

In response to public concerns regarding the odors coming from the operation of this facility, the MDEQ and the WCAQMD have modified the operating license and the air permit, respectively, to impose stricter requirements on the facility to minimize odors emanating from the facility.

The MDEQ modified its operating license to require: 1) all containers storing waste remain close at all times except when necessary to sample or remove waste; 2) emissions from treated waste be controlled with a permitted air pollution control system; 3) all vehicles transporting waste remain covered at all times except when sampling, loading, or unloading; 4) containers of treated hazardous waste to be stored in the treatment building, the NCSA or the SECSA until such time as the waste is removed for retreatment or disposal off-site; 5) buildings equipped with air pollution control equipment appropriate for the proposed operations be constructed for the SECSA and NCSA prior to the licensee storing open containers of treated waste; 6) during waste processing, no more than one overhead door remain open at a time; 7) treated waste loads must be covered in the treatment building prior to the load being transported from the treatment building; and 8) the licensee must develop and document the use of the approved procedures to evaluate and minimize odors from loaded containers of treated waste prior to removal from the treatment building.

The WCAQMD also modified its draft air permit for MDWTP based on public comments they received during their public participation process for the draft air permit to address the odor issues. The air permit issued in July 1997: 1) requires stricter stack testing; 2) prohibits MDWTP from accepting certain wastes that may emit odors if processed; 3) limits the amount of emissions from each waste treatment process; 4) requires operation the air pollution control equipment when waste is stored or treated in the treatment building; 5) limits the amount of VOC content in wastes accepted by the MDWTP; 6) requires MDWTP to keep all overhead doors, except one, of the treatment building closed during waste processing; and 7) limits the amount of odor emissions from the waste treatment processes. The WCAQMD has since then modified the July 1997 permit to reflect the use of new air pollution control equipment, the thermal oxidizer, on the east side of the treatment building. All other requirements in the air permit remained essentially the same. MDWTP installed this equipment to control air emissions from processing waste with high VOC content. Please refer to the response provided for Comment 12 in section 3.1.3.

COMMENT 33:

To protect public health and the environment, should frequent stack testing be mandatory?

RESPONSE:

The new WCAQMD permits (Numbers 11379 and 11380) require stack testing every other year. This frequency was added to the permits in response to public comments received during the November 20, 1997 public hearing held by the WCAQMD.

COMMENT 34:

An Ypsilanti Township trustee expressed concern that no air monitors are present on the west side of the facility where Ypsilanti Township is located.

RESPONSE:

A sixth monitoring site has been established west of the MDWTP site.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

COMMENT 35:

Page 79 mentions the problems that WDI has had in maintaining odor control at the facility. A review of the public's comments on the odor problem associated with WDI's waste treatment and disposal operations shows that WDI has been a poor neighbor and has significantly impaired the health, interests, and welfare of those within the sphere of influence of its waste management activities. As discussed in this report, odors of the type that the public has experienced are now recognized as a significant threat to their health.

RESPONSE:

Please refer to the response provided for Comment 32 in this section.

COMMENT 36:

Mr. Tom Shoens identifies himself as a chemist with the Wayne County Department of Environment, Air Quality Management Division and discussed his role as an inspector of the WDI facility. His activities focus on air quality issues.

Beginning on page 39, Mr. Shoens mentioned the odor problems associated with past operations of the WDI hazardous waste management facility. A review of the public's comments concerning the experiences they have had in living or utilizing properties near the WDI landfill and waste treatment facility shows that WDI has been a poor neighbor that has allowed repeated significant adverse impacts on the public in the vicinity of the landfill. Where a company like WDI fails to conduct its operations in an appropriate manner so that they are not adverse to the adjacent and nearby property owners and users, it is inappropriate to allow the firm to continue to operate.

The operating records shows that the WDI companies have a history of releasing odorous materials from the waste treatment facility. While there may be some that may ignorantly assert that these are only malodorous conditions and not harmful to health, it is well known that malodorous conditions of this type may be significantly adverse to public health. Shusterman (1992), of the California MDEQ of Health, has conducted extensive studies on the adverse public health impacts of malodorous situations. He reports that such situations are significantly detrimental to the health of many individuals experiencing the malodorous conditions.

Lee and Jones-Lee (1994d) in a report to the State of California Environmental Protection Agency Comparative Risk Project entitled, "Impact of Municipal and Industrial Non-Hazardous Waste Landfills on Public Health and the Environment: An Overview," discusses how releases from landfills can be adverse to the health, air and groundwater quality and the interest/welfare of those within the sphere of influence of a landfill. This sphere of influence can extend several miles or more from the landfill. They recommend that the siting or continued operation of a landfill include, as part of the cost of landfilling, acquisition of sufficient bufferlands owned by the landfill applicant to dissipate all releases of hazardous or otherwise deleterious chemicals from the landfill that are not controlled by the landfill's owner/operator at their point of generation.

The WDI landfill Site #2 has been allowed to develop and is proposed to be allowed to continue to operate without sufficient control of releases of hazardous and/or deleterious chemicals from the landfill to protect the health, groundwater resources, the environment and the interests of those who own or use properties within the sphere of influence of the landfill. This approach enables WDI and the waste generators to experience cheaper than real cost waste management at the expense and health of those within the sphere of influence of the landfill. Such an approach should not be allowed to continue.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.1 Air Quality

A review of the operating records of WDI and its affiliated companies leads to the conclusion that these companies should not be allowed to continue to operate. If WDI is issued a license for continued operations, one of the conditions of this license should be that if one more incident of off-site adverse impacts of any type, including odor, occurs, all WDI facilities at this location would be permanently shut down with no possibility of continued operation. This company(s) should not be allowed to continue to conduct its operations in such a way as to be periodically adverse to those who own or use properties in the vicinity of the landfill.

RESPONSE:

Please refer to the response provided for Comment 32 in this section.

COMMENT 37:

Numerous residents stated that the landfill facility has continually emitted noxious odors into the air in the community that could be smelled miles away from the facility for many years – since at least 1980 according to one resident. The Van Buren Township Director of Community Services stated that more than 50 odor complaints against the facility had been lodged since October 1994 and that many were received after 5:00 p.m., when regulators were unavailable. In addition, the Commissioner of the Service MDEQ reported continual odor complaints. The Van Buren Township Treasurer stated that over 20 odor complaints against the facility had been lodged since April 23, 1996. In addition, Charter Township of Van Buren officials reported receiving continual odor complaints about the facility from residents. Residents stated that facility odors have prevented them from enjoying the outdoors and from opening the windows in their homes.

RESPONSE:

Please refer to the response provided for Comment 32 in this section.

3.3.2 Other Issues

COMMENT 1:

Why is Wayne County Air Permit not incorporated by reference into the operating license?

Due to the large number of odor complaints at the facility within the last year, the MDEQ and the EPA should consider incorporation of the Wayne County Air Quality Permit, with modifications, into the operating permit. The ambient air quality surrounding the facility is affected by the stack and fugitive emissions for the facility which are regulated by Wayne County. To date, although numerous violations of the existing air permit have been documented by Wayne County inspectors, enforcement action has not been taken regarding air quality violations at the facility. Incorporation of the Wayne County air permit into the operating license may give the residents the opportunity to request enforcement action from the MDEQ and the EPA, in the form of suspension of operations for air quality permit violations. This may motivate MDI into more proactive motion with respect to installation and maintenance of control equipment. Some of the problems with the conditions in the existing Wayne County air permit and recommendations for clarifications when it is renewed and incorporated into the operating license are as follows.

Special Condition #49 could be the area in which the permit could be upgraded to include a monthly stack testing program, etc. The changes suggested to the Air Quality Permit would most likely have to be accepted as part of the RCRA reapproval to be incorporated into the existing and future air permits.

Will the MDEQ consider incorporation of the air quality permit into the RCRA document to simplify and enhance enforcement?

RESPONSE:

The air permit is incorporated by virtue of rule R 299.9602(1)(b) into the operating license. Conditions III.J. and IV.K. of the draft contain the same regulatory language as R 299.9602(1)(b) and require the licensee to operate the containers and tank systems at the facility in a manner that will prevent air emissions in violation of Part 55. Since the air permit conditions are based on the requirements of Part 55, any violations of the air permit would probably be a violation of Part 55 and thereby a violation of the Part 111 license.

COMMENT 2:

"Should we expect better management after the site is approved for EQ to manage more toxic materials" given EQ's history of emission violations?

RESPONSE:

The MDEQ and the WCAQMD have issued a operating license and air permit, respectively, that imposes stricter requirements on the facility to eliminate odors emanating from the facility. Compliance with the operating license and air permit will significantly improve waste management at the facility.

COMMENT 3:

A resident stated that on one occasion, Wayne County Health MDEQ officials were not allowed to enter the facility for two hours to investigate a complaint because no one was available to escort them. The resident also stated that "a violation could have been covered up in that time."

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

RESPONSE:

The WCAQMD has not had such an experience. The alleged incident does not seem likely to have occurred during normal working hours.

COMMENT 4:

What is the definition of the term "timely manner" with respect to Wayne County notification?

RESPONSE:

The term "timely manner" means as soon as possible following WCAQMD's determination that an incident warrants issuance of a notice of violation.

COMMENT 5:

Why has Wayne County not issued air quality permit violations for the items encountered during inspections at the facility?

RESPONSE:

It is the WCAQMD's policy to issue violations when a facility fails to comply with the conditions of its air permit. In the event a minor infraction is discovered and can be immediately resolved, the inspector may issue a warning to the company.

COMMENT 6:

Why were the number of air quality complaints and the results of the air quality inspections by Wayne County not incorporated into the chronological record regarding the site compliance history?

Has Wayne County been evaluating MDI's compliance status? If so, why was this information not included in the chronology provided by the MDEQ?

RESPONSE:

The compliance chronology, included in Attachment 1 of the facility fact sheet, was solely designed to track the licensee's compliance with the hazardous waste management requirements of Part 111 and its rules, not with all statutes and regulations applicable to the licensee's facility.

COMMENT 7:

If Wayne County fails to enforce the provisions of the air quality permit, what is the recourse for the residents surrounding the facility?

RESPONSE:

To date, the WCAQMD has not failed to enforce the provisions of the air quality permit. The WCAQMD continues to work with the facility, Van Buren Township and other agencies in its efforts to maintain air quality for the residents surrounding the facility.

COMMENT 8:

Why were monetary penalties and/or a notice to stop operations not issued in 1990 when MDI demonstrated by stack testing that it was not in compliance with the Wayne County air permit?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

RESPONSE:

In 1990, it was not the policy of the Wayne County Health MDEQ to seek monetary penalties for a matter such as this or to order operations to cease on a minor source. The company continued operations and proposed a strategy to come into compliance. The stack test was ran at worst case conditions and the company could not continue to operate at that level.

COMMENT 9:

Why was MDI given so much time (from 1990 until now) to demonstrate compliance with permit conditions?

RESPONSE:

The permit conditions in effect in 1990 have been substantially met. Stack testing was performed at this facility in 1990. The 1990 stack test found the quad scrubber marginally out of compliance for VOC emissions. When the stack test report was submitted to the WCAQMD, the MDWTP simultaneously submitted a proposal to bring the quad scrubber back into compliance. The quad scrubber continued to operate the plant production levels less than the 1990 test levels during the time period the WCAQMD evaluated the proposal.

No additional stack test of the quad scrubber was required by the WCAQMD since there was a proposal to replace that control device with a state of art carbon and baghouse air pollution control system. The WCAQMD approved of the proposed air pollution control system, and MDWTP submitted an installation permit application for the new system. The application was reviewed, and the WCAQMD prepared draft permit Numbers 11379 and 11380. A public hearing on these permits was held on November 20, 1996. Based on the comments received, the permits were modified and issued in July 1997. The air permit required stricter stack testing, which took place in August 1997. The results of the stack testing were reviewed by Wayne County. In October 1997, the EQ was cited for failure to meet the emission limits stated in the permit. The primary reason for the failure was exceedence of the VOC limits on the east side of the treatment building during the testing. To resolve these violations, MDWTP installed the thermal oxidizer air pollution control equipment in the summer of 1998 and entered into a Consent Order with WCAQMD on April 30, 1999. The Consent Order includes both penalties and a compliance schedule to correct the problems.

The WCAQMD has since then modified the July 1997 permit to reflect the use of , the thermal oxidizer. All other requirements in the air permit remained essentially the same. MDWTP has installed this equipment on the east side of the treatment building to control air emissions from processing waste with high VOC content. The new air treatment system includes four collection hoods where emissions are captured and routed through a bag house to remove particulates. Air is then blown into the thermal oxidation unit, where VOCs are destroyed at extremely high temperatures. Effluent from the air treatment system is routed through a quencher and caustic scrubber prior to exiting the treatment building through the stack. To properly operate the thermal oxidizer and maintain a negative pressure on the treatment building, EQ has altered the building to construct a vestibule. The vestibule allows the doors of the building to remain closed during loading, unloading, and treatment operations thus further minimizing emissions to the atmosphere. Waste with high VOC content will only be processed on the east side of the treatment building.

COMMENT 10:

Why is a current air quality permit application not included with the RCRA renewal permit?

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

RESPONSE:

An air quality permit application is not required by R 299.9508 or 40 CFR Part 270, Subpart B to be included in an application for a hazardous waste management facility operating license. But the application must include proof of issuance of all necessary state environmental permits for construction and operation of the treatment, storage, or disposal facility or portion thereof.

COMMENT 11:

Conditions #17 and #18 require a minimum control efficiency for the Chemical Fixation and Stabilization (CFS) and Pump-Out Station carbon adsorption units. However, without routine evaluation of the inlet VOCs and the outlet stack concentrations, compliance with this special condition can not be evaluated at all. Due to the significant number of odor and other types of air quality complaints in Van Buren Township, a monthly sampling program to verify that the adsorption units are functioning in compliance with Special Conditions #17 and #18 should occur. This routine verification, or preventative maintenance program, may provide information to MDI that will allow them to upgrade the air treatment system or alter process operations before air quality complaints become an issue.

Why is routine verification of compliance with Special Conditions in the air quality permit not required?

How can Wayne County evaluate MDI's compliance with these Special Conditions without test data?

Is not the inability to test for compliance with these Special Conditions in fact jeopardizing the public health and the environment?

RESPONSE:

Conditions 17 and 18 referenced by the comment are a part of the June 10, 1994 permit conditions for permits C-9868 through C-9873. That equipment was not installed and those permits were canceled on May 21, 1996. New permits number 11379 and 11380 were issued on July 2, 1997 after receiving public comment. Those permits were further modified on December 2, 1998 to reflect the installation of new additional control equipment. Conditions 21 and 65 of this permit calls for verification of emission rates and efficiencies of the new equipment. Emissions testing of the existing equipment is also required by this permit. In addition the December 2, 1998 permit is a part of a consent order, which makes noncompliance subject to stipulated penalties. Wayne County as well as the State of Michigan MDEQ-Air Division has reviewed this permit and feel that the public health and environment is being protected. Routine verification of compliance is accomplished by detailed quarterly inspections and review of operating records that are required to be kept by the permit. In addition WCAQMD through its Ordinance can require additional emissions testing at anytime.

COMMENT 12:

Special Condition 23 indicates that the VOC content of waste accepted by MDI shall not exceed two percent by weight for hazardous waste nor 20 percent by weight for non-hazardous waste. However, review of the Solvent Factor Report submitted by MDI to MDEQ indicates that on January 10, 1995, a waste from Neville Chemical Company was accepted that contained 54.7 percent solvent by weight. MDEQ has not explained the method for determination by MDI of the VOC content of waste. However, 54.7 percent solvent, even if multiplied by the solvent factor listed of 0.1000, yields a VOC content 5.47 percent for this D001 waste. This exceeds the two percent by weight of VOC allowed for hazardous waste by Special Condition #23. More details on the

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

acceptable method agreed upon by MDEQ and MDI to determine the percentage of VOC in the wastes accepted is required prior to determining MDI's compliance with this permit condition.

Was MDI issued a violation for the exceedance of the VOC limitation in the existing air quality permit? If so, when and how much was the fine? If not, why not?

How many times in the last five years has this type of violation occurred?

How many times has a violation been issued? How many times has acceptance of waste exceeding the VOC limitation gone unnoticed?

How closely is Wayne County reviewing the information submitted by MDI? Is there any documentation regarding review of the information and the reviewers' comments?

RESPONSE:

The specific Neville incident on January 10, 1995 was found to be a reporting error. This typographical error was corrected and a corrected report was mailed to the division June 5, 1996. The division has not found any violations of this condition. Condition 23 referenced by the comment is a part of the June 10, 1994 Permit Conditions for permits C-9868 through C-9873. That equipment was not installed and those permits were canceled on May 21, 1996. However, Condition number 52 in the December 2, 1998 permit is essentially the same. Condition 52 requires records be kept of the VOC concentrations in the waste streams for the most recent 5 year period. Review of these records is a routine part of the inspection made quarterly by WCAQMD staff. With this permit a part of the WCAQMD consent order 0039-97, violations of this condition will be subject to penalties. WCAQMD inspectors write reports of their source inspections, these reports can be made available to the public.

COMMENT 13:

Permits Condition 26 does not allow MDI to accept any organic waste with a flash point less than 90°F. The MDEQ has not provided documentation indicating that the flash point of wastes accepted at MDI are being recorded and tracked on a routine basis. However, the record is replete with incidents involving burning wastes at MDI. In fact, it appears to be a rather regular occurrence. A requirement for monthly submittal of the flash points of the newly approved waste streams for the preceding month would allow the regulatory agency to track compliance with Permit Condition.

How does the MDEQ track the flash points of the waste that MDI is accepting?

How often does the MDEQ review the flash points of the waste that MDI is accepting?

How many exceedances of the flash point were noted in the past five years?

RESPONSE:

The MDEQ tracks the flash points by reviewing the monthly operating reports that MDWTP submits to the MDEQ every month. Attached to those reports are manifests for waste that was rejected by the facility because the waste failed the flash point test by being below 90°F. The facility only records the results of failed flash point tests and the manifest for that waste shows that the waste was rejected by the facility.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

The MDEQ reviews the flash points of waste on a regular monthly basis, and the flash points are subject to be reviewed during inspections and monitoring activities.

The MDEQ does not maintain a tally of the exceedances of the flash points for the past five years as there is no regulatory basis for such a tally. The monthly operating reports are available for public review in the MDEQ offices or through a Freedom of Information Act request.

COMMENT 14:

Permit Conditions #28 through #35 and #37 require stack testing data to determine compliance. This is especially relevant in an operation such as MDI's where a variety of materials are processed on a non-routine basis. Stack tests have not been performed since 1990 at the facility and those that were conducted failed. Therefore, it is virtually impossible for the MDEQ to determine if MDI is in compliance with these permit conditions. A requirement for monthly stack testing would allow the regulatory agency to track compliance with these Permit Conditions.

How can the MDEQ determine whether MDI is in compliance with its air permit without stack testing?

RESPONSE:

All air issues for the Wayne County area are handled by the WCAQMD, who is delegated authority by the MDEQ's AQD to administer the air program in Wayne County. The MDEQ relies on the WCAQMD for compliance and enforcement of the state and federal air regulations for facilities located in Wayne County. Also, see the response to Comment 30 in Section 3.3.1.

COMMENT 15:

Special Condition #40 specifies the maximum odor unit output allowed for the deep bed adsorption units and the wet scrubber if the stack height is less than or equal to good engineering practice stack height. Once again, monthly odor unit evaluation for the stack emissions would provide information regarding the compliance status of MDI with respect to Special Condition #40.

How can the MDEQ determine whether MDI is in compliance with this special condition without testing?

In light of the numerous odor complaints, why has testing not been performed at the facility?

RESPONSE:

All air issues for the Wayne County area are handled by the WCAQMD, who is delegated authority by the MDEQ's AQD to administer the air program in Wayne County. The MDEQ relies on the WCAQMD for compliance and enforcement of the state and federal air regulations for facilities located in Wayne County.

The WCAQMD has issued the facility a new air permit which requires stack testing for the air pollution control equipment currently installed at the facility. The condition referred to in this comment refers to an air permit that was issued for different air pollution control equipment.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

COMMENT 16:

Special Condition #45 indicates that the exhaust air from the CFS carbon adsorption unit shall be discharged from stacks with an exit point not less than 75 feet above ground level. Currently, the exits points appear to be less than the 75 feet requirement.

Has the MDEQ inspected the facility to determine if this condition has been met?

Has MDI been issued a violation for this condition? Is so, when, and what was the monetary penalty?

Should MDI's noncompliance with this special condition result in a cease and desist order from the state until compliance?

RESPONSE:

The MDEQ has not inspected the facility to determine compliance with this condition. The MDEQ relies on the WCAQMD for compliance and enforcement of the state and federal air regulations for facilities located in Wayne County.

Special condition #45 was drafted by the WCAQMD for air pollution control equipment that was previously installed at the facility. MDWTP is not in violation of Special Condition #45 because the equipment for which Condition #45 was written is no longer installed at the facility. A new air pollution control system was installed at the facility and the WCAQMD issued MDWTP an air permit for this equipment in July 1997. That permit was further modified on December 2, 1998 with new condition numbers 36 and 37 that also call for stacks to be 75 feet above grade. WCAQMD has examined this issue and has determined that the stacks are at least 75 feet above grade. Therefore there is no violation.

A cease and desist order from the state is not required because MDWTP is not in violation of Special Conditions #36 and #37.

COMMENT 17:

Special Condition #46 limits the PM₁₀ emissions from the storage silos. Once again, the MDEQ cannot determine whether MDI is in compliance with this condition, due to the lack of test data. Requiring incorporation of this source into a monthly air quality testing program would yield information that could determine compliance with Special Condition #46.

How can the MDEQ determine whether MDI is in compliance with this permit condition in the absence of test data?

Why is routine testing not required to evaluate compliance status?

RESPONSE:

All air issues for the Wayne County area are handled by the WCAQMD, who is delegated authority by the MDEQ's AQD to administer the air program in Wayne County. The MDEQ relies on the WCAQMD for compliance and enforcement of the state and federal air regulations for facilities located in Wayne County.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

Condition 46 referenced by the comment is a part of the June 10, 1994 Permit Conditions for permits C-9868 through 9873. That equipment was not installed and those permits were canceled on May 21, 1996. However, Condition number 38 in the December 2, 1998 permit is essentially the same. Condition 38 has an emission limit that applies to each of the six material storage silos. These baghouse controlled silos are very small in size and formal stack testing is not required. Review of maintenance records and visible emission observations are the best way to determine compliance with Condition 38. In addition the December 2, 1998 permit condition 26 has a very strict opacity limit of five percent. A violation of condition 26 would be an indication that 38 was also violated. With the consent order 0039-97 a violation of the permit makes the company subject to penalties.

COMMENT 18:

How do the WMD and AQD work together to ensure compliance with all permit conditions at a facility? Is there any communication between divisions?

RESPONSE:

The WCAQMD operates under a contract with the MDEQ. Under that contract, all Part 111 permitted facilities are inspected at least quarterly. A summary report of these inspections is sent to the MDEQ's Southeast Michigan District Supervisor within 30 days of the end of each quarter. In the event there are citizen complaints or violations discovered, more frequent inspections will occur.

COMMENT 19:

Permit Condition #53 directly conflicts with the Protocol for Carbon Adsorption System Monitoring and Carbon Change Out Procedure included as Appendix A of the document. The Permit Condition requires change of the carbon adsorption canisters within 48 hours of indicate that the carbon bed is 70 percent expended, unless saturation tests indicate a lower saturation level (i.e., lower than 70 percent). The attached Procedure indicates that MDI will submit the canister for evaluation when the saturation indicator reads 70 percent, but will not change out the carbon until the laboratory evaluation indicates that canister has reached 90 percent saturation. This conflict must be resolved prior to determining whether the facility is in compliance with this special condition.

Why was this procedure incorporated without change into the air quality permit when implementation causes a direct permit violation?

Has MDI been cited for this violation? When was the citation issued and what was the monetary penalty? Have they been forced to change their procedure?

RESPONSE:

Condition 53 referenced above is a part of the June 10, 1994 Permit Conditions for permits C-9868 through C-9873. That equipment was not installed and those permits were canceled on May 21, 1996. However condition number 42 in the December 2, 1998 permit is essentially the same. There is no conflict between this condition and Appendix A because they refer to different control devices. Condition 42 applies to the control devices on the liquid storage tanks numbers 16,17,18 and 19. Appendix A applies to the main waste treatment carbon adsorbers. These are very different and require different methods to monitor compliance. Therefore there is no violation of the permit.

Response to Comments for Michigan Disposal Waste Treatment Plant
Michigan Disposal Waste Treatment Plant
Air Quality
3.3.2 Other Issues

COMMENT 20:

Permit Conditions #59 and #61 through #70 require emissions testing data to determine compliance. This is especially relevant in an operation such as MDI's where a variety of materials are processed on a non-routine basis. A requirement for monthly stack testing would allow the regulatory agency to track compliance with these permit conditions.

How does the MDEQ determine compliance with these conditions without stack test data?

Why is routine testing not required to evaluate compliance status?

RESPONSE:

All air issues for the Wayne County area are handled by the WCAQMD, who is delegated authority by the MDEQ's AQD to administer the air program in Wayne County. The MDEQ relies on the WCAQMD for compliance and enforcement of the state and federal air regulations for facilities located in Wayne County. Also, see the response to Comment 30 in Section 3.3.1.

Conditions 59 and 61 through 70 referenced by the comment are a part of the June 10, 1994 Permit Conditions for permits C-9868 through C-98734. That equipment was not installed and those permits were canceled on May 21, 1996. However, Condition Number 21 in the December 2, 1998 permit is essentially the same. Condition 21 requires verification of the emission rates specified in conditions 17, 18, and 19 of that permit. Monthly stack testing is not practical. Weather conditions in Michigan would not allow for continuous monthly testing. In addition, WCAQMD staff would be unreasonably burdened fulfilling its responsibility for approval, observation and review of those tests. No company in Wayne County is subject to such a test schedule. It is however practical to review the records that are required to be kept by the permit. That review takes place on a quarterly basis. It is through that review of these records combined with stack test results and the ambient air monitoring system that compliance can be determined. Wayne County through its Ordinance can require additional emissions testing at any time.

COMMENT 21:

What type of action would need to occur for a denial of the Certificate of Operation at this facility?

RESPONSE:

This comment is too broad in scope to provide a specific response. However, an action that provides significant air impact with potential for health concerns may result in such a denial.

COMMENT 22:

Will the EPA enforce the conditions of the Wayne County permit?

RESPONSE:

Should any significant violations occur, the EPA will assure that any federally enforceable provisions of the air quality permit will be enforced, either directly as a federal action, or through Wayne County's actions as an agency delegated to implement federal programs under the federal Clean Air Act.

